TAMIL NADU PUBLIC SERVICE COMMISSION

ANNUAL REPORT

FOR THE YEAR
2001-2002

TAMIL NADU PUBLIC SERVICE COMMISSION
ANNUAL REPORT
2001 ❖ 2002

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TAMIL NADU PUBLIC SERVICE COMMISSION

ANNUAL REPORT 2001-2002

INTRODUCTION

The Tamil Nadu Public Service Commission has been set up under Article 315 of Constitution of India. As against the sanctioned strength of one Chairman and Eleven Members, presently the Chairman and Nine Members are in position. The composition of the Commission during the period under report was:-

Thiru D. Murugaraj, I.A.S., (Retired) **(Retired from the post of Chairman on 21.04.2001 A.N)**	**Chairman**
Tmt. Yasmin Ahmed, I.A.S., (Retired) **(Assumed charge on 29.06.2001 A.N.)**	**Chairperson**
Thiru R. Velu, I.A.S., (Retired)	**Member**
Thiru R. Gurusamy, B.A., B.I.,	**Member**
Prof. G. Ranganathan, M.A., M.Phil.,	**Member**
Prof. Dr. S. Balasubramanian, M.A., M.Phil., Ph. D., D.S.S.,	**Member**
Thiru M. Nagoor Meeran, B.Sc., B.L., **(Retired from the post of Member on 25.06.2001 A.N.)**	**Member**
Dr (Tmt.) Jothibai Selvyn Raj, M.Sc., M.Ed., Ph.D., **(Retired from the post of Member on 28.03.2002 A.N.)**	**Member**
Thiru M. Mani., I.P.S., (Retired)	**Member**
Thiru V. Alagusundaram, M.Sc.,	**Member**
Dr. R. Perumal Samy, M.A., M.Phil., Ph.D.,	**Member**
Dr. (Tmt.) K.M. Ramathal, M.A., M.Phil., Ph.D.,	**Member**
Thiru R. Tamil Mani, B.A., B.L.,	**Member**
Thiru Ashok Ranjan Mohanty, I.A.S., **(Relieved on 02.11.2001. F.N.)**	**Secretary**
Thiru Hemant Kumar Sinha, I.A.S., **(Assumed charge on 05.11.2001. F.N.)**	**Secretary**
Selvi Apoorva, I.A.S., **(Relieved on 06.06.2001 A.N.)**	**Controller of Examinations**
Tmt. Sandhya V. Sharma, I.A.S., **(Assumed charge on 11.07.2001 F.N.)**	**Controller of Examinations**

The details of the staff as on 31st March 2002 in the Commission's Office are given in Annexure-I.

SECTION - I

FUNCTIONS AND DUTIES

The Tamil Nadu Public Service Commission has to discharge the duties and functions specified in Article 320 of the Constitution of India. The Commission is required to advise Government on all matters relating to framing of recruitment rules, principles to be followed in making appointments and promotions and transfers from one service to another service, in respect of disciplinary matters affecting Government Servants and to make direct recruitment to the State, Subordinate and Ministerial Services. The Commission conducts Departmental Examinations for Government Servants and also conducts the examination on behalf of the Government of India, Ministry of Defence for admission to Rashtriya Indian Military College. School, Dehra Dun.

QUANTUM OF WORK

The details of work handled by the Commission under different items during the year under report.

I. Recruitment Examinations

1. Preliminary Examinations:

Number of Examinations (Group –I Services)	..	1
Number of vacancies	..	99
Number of applications admitted	..	1,06,650
Number of candidates recommended for MWE	..	990

2. Main Written Examinations:

Number of Examinations	..	23
Number of vacancies	..	558
Number of candidates admitted	..	18,425

3. Oral Examinations:

Number of Posts	..	20
Number of candidates admitted to Oral Test	..	3274

4. Final Selection:

Number of recruitment finalised	..	24
Number of vacancies	..	3493
Number of candidates selected	..	3,465

II. OTHER EXAMINATIONS

		May '2001	December '2001
1. Departmental Test			
Number of candidates applied	..	52,739	37,099
Number of candidates passed	..	11,984	12,532

2. Half Yearly Examinations:			
Number of candidates appeared in Sep. 2001	..	13	
Number of candidates appeared in March 2002	..	43	
3. Relaxation relating to Age/ Educational Qualification	..	96	Cases
4. Appointment by Transfer or by promotion	..	890	Persons
5. Permanent Transfer from one Unit to another Unit in the Tamil Nadu Ministerial Service	..	103	Persons
6. Disciplinary cases : Number of Cases in which Commission's.. views were communicated to Government.		513	Cases
7. Concurrence under latter part of regulation 16(b)	..	949	Cases
8. Income and Expenditure		(Rs. in Thousand)	
Income	..	75,92	
Expenditure (for details in Annexure - III)	..	10,84,88	

9. Notification:- The Commission advertised 14 Notifications comprising of 636 vacancies in respect of 20 posts under different services of the State (for details see Annexure – IV)

Note: The graph and diagrams depicting the above data are furnished in Annexure - XII

10. REFORMS AND RATIONALIZATION

The Commission is continuously engaged in reviewing its selection process taking into consideration the latest developments in organisations similar to Tamil Nadu Public Service Commission engaged in recruitment work.

SECTION - II

DIRECT RECRUITMENT:

During the period, the Commission conducted Preliminary Examination in respect of Group-I Services for 99 vacancies 1,06,650 candidates were admitted to the Preliminary Examination. The Commission conducted Main Written Examination for 23 recruitments consisting of 558 vacancies for which 18,425 candidates were admitted. The Commission conducted oral examination for 20 recruitments containing 1,718 vacancies and 3,274 candidates were admitted to oral examination. The Commission finalised 24 recruitments containing 3,493 vacancies and recommended 3,465 candidates for appointments. The recruitment statistics in respect of 24 recruitments are given in the
Annexure - II.

SOME OF THE MAJOR RECRUITMENTS HANDLED IN THE YEAR ARE:

Sl. No.	Name of the Post	Number of Vacancies	Number Selected
(1)	(2)	(3)	(4)
1.	Assistant Surgeon (Women only)	350	348
2.	Assistant Public Prosecutor Grade - II	55	53
3.	Veterinary Assistant Surgeon	116	116
4.	Group- I Services	84	84
5.	Group-I Services	46	46
6	Group- IV Services	1225	1224
7	Assistant Statistical Investigator	42	42
8	CSSE –I	72	72
9	CSSE –I	1161	1139
10	Group-IV Services (Steno – Typist)	310	310

GROUP - SERVICES

GROUP - I SERVICES

a. The Commission issued notification on 21.12.99 for Group-I Services Examination containing 74 Vacancies against which 75,158 application were received. The preliminary Examination was held on 11.06.2000. The Main Written Examination was held on 24.09.2001 to 17.10.2001. The Oral test was held on 13.3.2002 to 15.3.2002 and finally 74 candidates were selected.

b. The Commission issued notification on 27.12.2000 for Group-I Services Examination containing 99 Vacancies against which 1,06,650 application were received. The preliminary Examination was held on 10.06.2001. The Main Written Examination was held on 09.02.2002 to 13.03.2002.

COMBINED SUBORDINATE SERVICES EXAMINATION-I:

a. The Commission issued notification on 01-08-98 for Combined Subordinate Services Examination-I consisting of 1617 vacancies. 1,72,120 applications were received. The Main Written Examination was held from 17.5.99 to 19.5.99 and the reexamination was held on 16-12-2000 to 18-12-2000. The Oral Examination was held on 06.06.2001 to 23.06.2001 and finally, 1139 candidates were selected.

b. The Commission issued notification on 08.07.99 for Combined Subordinate Services Examination-I consisting of 72 vacancies. 23,742 applications were received. The Main Written Examination was held from 23.10.99 to 25.10.99. The oral Examination was held 30.07.2001 and finally, 72 Candidates were selected.

PRELIMINARY EXAMINATION:

During the period under report, the Commission conducted Group-I Preliminary Examination, consisting of 99 vacancies; 1,06,650 candidates were admitted to Preliminary Examination.

MAIN WRITTEN EXAMINATION:

During the period under report, the Commission conducted 23 Main Written Examinations to fill up 558 vacancies; 18,425 candidates were admitted to these Main Written Examinations.

ORAL EXAMINATION:

During the period under report the Commission conducted Oral Test for 20 Recruitments to fill up 1,718 vacancies. The Commission conducted interviews on 47 days in various periods. The Oral Tests were held in two sessions, one in the F.N. and the other in the A.N.,a Maximum of 6 Boards were constituted in both the sessions on some days, 3,274 candidates were admitted to Oral Test. Totally 216 sessions took place in 47 days for the current year. The details of Preliminary, Main Written Examination and Oral Examinations conducted are given in Annexure-V.

SECTION – III

Paucity of Qualified and Suitable candidates

Paucity of Qualified and suitable candidates in certain categories of Post: There was paucity of qualified and suitable candidates in certain categories of posts, as a result of which 27 vacancies could not be filled up during this year:-

Sl. No.	Name of the Post	SC	ST	MBC	BC	GT	Total
1.	Assistant Surgeon	-	2	-	-	-	2
2.	Assistant Public Prosecutor Grade II	-	2	-	-	-	2
3.	Block Health Statistician	-	1	-	-	-	1
4.	CSSE-I (Personal Clerk)	21	1	-	-	-	22
	Total	21	6	-	-	-	27

The details are given in Annexure - VI.

SECTION – IV

RECRUITMENT BY TRANSFER / PROMOTION , DISCIPLINARY CASES, APPEALS, PETITIONS, STATUTORY RULES, REGULATION, TEMPORARY APPOINTMENTS ETC.,

1. **RECRUITMENT BY TRANSFER / PROMOTION:**

During the period the Commission dealt with references relating to recruitment by transfer to State Services from the Corresponding Subordinate Services and by promotions within the State Services and drew up lists of 890 qualified and suitable candidates for appointment to the posts under 14 Services. Details are furnished in Annexure-VII.

2. **DISCIPLINARY CASES, APPEALS, PETITIONS, ETC.:**

A. (i)Number of cases dealt with during the year (including 200 cases pending as on 1st April 2001) .. 1069

(ii) a. Number of cases disposed of. .. 577

b. Number of cases under consideration .. 132

c. Number of cases returned to Government for remittance after following the procedure. .. 86

d. Number of cases returned to Government for want of records .. 274

(iii) Advised modification of Punishment .. 57

B. (i) Number of cases in which Commission's views were communicated to Government .. 513

(ii) Number of cases in which Government passed Order. .. 275

(iii) Number of cases in which Government have to pass orders .. 238

C. **Average Time Taken**

		Months	Days
(i)	Number of cases	275	
(ii)	Average time taken by the Government for making a complete reference to the Commission	10	05
(iii)	Average time taken by the Commission for giving their views.	02	15
(iv)	Average time taken by the Government for passing orders after issue of Commission advice	07	05
	Total time taken	19	25

Details of 513 cases involving charges affecting integrity and of cases involving charges other than integrity according to departments in respect of Appeal Petition/Review Petition/Disciplinary Action/Proposal for recovery/Reduction in Pension are furnished in Annexure-VIII.

3. **STATUTORY RULES, REGULATION, ETC.:**

In 949 cases, the Commission's concurrence was sought for and given under the latter part of Regulation, 16(b) of the Tamil Nadu Public Service Commission Regulations, 1954 for making appointment to the posts in the State, Subordinate and Ministerial Services.

In no case, the Commission refused to accord such concurrence.

Sl. No.	Services	Number of cases in which	
		Concurrence was accorded	Concurrence was refused
1.	State Service	34	-
2.	Subordinate Service	-	-
3.	Ministerial Service	915	-
	Total	949	-

The details of the posts/services for which such concurrence was accorded or refused are given in Annexure-IX.

4. **TEMPORARY APPOINTMENTS:**

The Commission accorded its concurrence for the continuance of temporary appointments in different posts included in Tamil Nadu State, Subordinate/Ministerial Services, within the periods of 24 months in 1 case and for more than 24 months, in 14 cases.

Period	Number of cases in which			
	Concurrence was accorded		Concurrence was refused	
	State Service	Subordinate/ Ministerial Service	State Service	Subordinate/ Ministerial Service
(1)	(2)	(3)	(4)	(5)
Above 3 months and below 12 months	-	-	-	-
Above 12 months and below 18 months	-	-	-	-
Above 18 months and below 24 months	-	1	-	-
Above 24 months	-	14	-	-
Total	-	15	-	-

The details of 14 cases in which concurrence was accorded for continuance of temporary appointments for more than 24 months are given in Annexure-X.

5. **CONCURRENCE UNDER RULES 20(A) (iii) OF THE SPECIAL RULES FOR THE TAMIL NADU MINISTERIAL SERVICE.**

The Commission accorded its consent under the provision in Rule 20(a)(iii) of the Special Rules of Tamil Nadu Ministerial Services for the permanent transfer of 103 Personnel from one departmental unit to another departmental unit within the Tamil Nadu Ministerial Service and in no case, consent was refused.

6. **PROMULGATION AND AMENDMENTS:**

During the period under report there were 72 cases of issue of statutory rules or amendments to them by the Government. Of them in respect of 62 cases, the Commission was consulted before the rules were issued and in 10 cases the Commission was not consulted. However, these cases relate either to posts excluded from the purview of the Commission or to matters in respect of which under Article 320(3) of the Constitution of India, consultation with the Commission is not necessary.

7. **RELAXATION:**

During the period under report, there were 96 cases in which statutory rules relating to age and educational qualifications as the case may be, were relaxed by the Government. In no case, the Government in respect of pension matters issued orders of relaxation. In no case, orders of relaxation were issued in respect of certain provisions of the fundamental rules, Tamil Nadu Special Pay and Allowance Rules and the Tamil Nadu Travelling Allowance Rules. In no case, orders of relaxation were issued by the Government in respect of certain provision of the General Provident Fund (Madras) Rules.

SECTION - V

OTHER THAN RECRUITMENT EXAMINATIONS

I. **DEPARTMENTAL EXAMINATION:**

The Departmental Tests were conducted in May and December 2001. The total number of tests conducted were 212 and the number of candidates applied to the tests were 89,838. The details are given below:-

ITEMS	MAY 2001	DEC - 2001
(i) Number of Subjects	110	102
(ii) Number of Test Papers	146	136
(iii) Number of Candidates applied	52739	37099
(iv) Number of Answer Books valued	18838	29400
(v) Number of Answer Books with Pass Marks	11984	12532
(vi) Percentage of Pass	36	45

II. **HALF YEARLY EXAMINATION:**

13 and 43 candidates appeared in September 2001 and March 2002 respectively. Half Yearly Examination including First Class Language Test in Tamil conducted for Assistant Collectors, Police Officers and Forest Officers.

III. **PROFICIENCY TEST IN TAMIL:**

The Commission issued notification in September 2001 inviting application for proficiency test in Tamil for All India Service Officers whose mother tongue is not Tamil. None of them applied for this examination.

IV. **RASHTRIYA INDIAN MILITARY COLLEGE SCHOOL, DEHRA DUN EXAMINATION:**

The Commission conducted the Examination on behalf of the Government of India, Ministry of Defence in August 2001 and in February 2002 for selection of candidates for admission to Rashtriya Indian Military College School in Dehra Dun 164 and 102 candidates respectively appeared for the examination.

SECTION – VI

Government and the Commission

A. **NON ACCEPTANCE OF COMMISSION'S ADVICE:**
During the year under report, the Government have deviated in 9 cases from the Commission's advice. The details are follows:

Case No.-I

During July' 98, the Government in the finance (LF) Department sought the views of the Commission on the Petition preferred by a Junior Assistant in the Local Fund Audit Department against the order of the Joint Examiner of Local Fund Audit, Imposing 'Removal' from service on him.

The Commission in course of examining the case, had communicated the following views in its letter dated 17.04.2000:

"For the charges that are held proved the Petitioner deserves severe Punishment. But taking into consideration of his past 20 years of Government service and since no punishment was imposed on him by the court and by also taking into consideration that there are only 5 more years of service for retirement, with sympathetic view the Commission advised the Government to reduce the punishment of 'removal' from service into that of reduction of pay in the time scale of pay of Rs. 3200-85-4900/_ to the minimum of Rs. 3200/_ for four years exclusive of any leave and to set right his pay after the said period is over and to issue order that it would not affect his future increment". But the Government have now issued orders in G.O. (2D) No.8, Finance (LF) dated 8.03.2001 deviating from the views of the Commission and have relied upon the following points for deviation:

" Though the charges framed against the Petitioner are proved for violation of Government Servants conduct Rules, taking into consideration of his 20 years of Government Service, on humanitarian grounds the punishment of removal already imposed on the petitioner be reduced to one of compulsory retirement for the benefit of pensonary benefits".

Case No.-II

During October 1999, the Government in the Commercial Taxes Department, sought the views of the Commission on the appeal preferred by Thiru T. Nagarajan formerly Deputy Commercial Tax Officer against the punishment of stoppage of increment for one year without cumulative effect, imposed on him by the Special Commissioner and Commissioner of Commercial Taxes, Chennai for the reason that Thiru. T. Nagarajan (Appellant) was responsible for the delayed remittance of Government money in the State Bank or in Treasury, for the missing of receipt and also for the failure to make necessary entries in the cash book regarding the collection of 'C' fees in time. The Commission, examined the appeal with connected records and opined that the lapses one and two leveled against the appellant as not proved and for the proved third lapse, the punishment imposed on the appellant is on the higher side considering the services rendered by him. The Commission therefore advised the Government that it is proper and just ,to modify the punishment as stoppage of increment for three months without cumulative effect. The Government had stated that the appellant has not adduced any fresh ground for consideration. Even as per the views of the Commission the third lapse is proved. Taking into account the gravity of the lapses proved, the punishment of stoppage of increment for three months without cumulative effect suggested by the Commission is considered to be very low. For the said reasons, the Government decided to deviate from the views of the Commission and modified the punishment into stoppage of increment for six months without cumulative effect. Accordingly the Government have issued orders in G.O. 2D No. 70 Commercial Taxes dated 11.4.2001.

Case No.-III

During March 1998, the Government in the Co-operation, Food and Consumer Protection Department sought the views of the Commission on the disciplinary action taken against the Deputy Registrar of Co-operative Societies for certain delinquencies under Regulation 18(1) (b) of the Tamil Nadu Public Service Commission Regulation, 1954. The Scrutiny of the case revealed that two set of charges were framed against the delinquent officer. In the first set of charges, the

Registrar of Co-operative Societies framed charges for the delinquencies committed by the Delinquent officer while he was working as a Special Officer Kaniyakumari Central Co-operative Bank under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Based on the report of an appropriate enquiry authority another set of 7 charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules were framed against the delinquent Officer by the Registrar Co-operative Societies for the lapses committed while he was working as Deputy Registrar/Special Officer, Nilgiris co-operative marketing Society and the delinquent officer was not allowed to retire from service on attaining the age of superannuation on 31.08.96 A.N. but was placed under suspension. The explanation from the delinquent officer was received and an enquiry was conducted. The Enquiry officer's report was communicated to the delinquent officer and his further representation was obtained.

The Government have examined the case in detail and arrived at a Provisional conclusion to remove him from service for the charges held proved and have sought the views of the Commission as to the orders to be passed in this case.

The Commission in November 1999 after examining the case in depth had advised the Government to impose the punishment of compulsory retirement considering the 36 years of service put by the delinquent officer.

In February 2001, the Government in G.O. Ms. No.40, Co-operation, Food and Consumer Protection Department, dated 15.02.2001 issued orders, deviating from the Commission's advice by imposing the punishment of removal from service on the delinquent Officer.

Case No.-IV

Disciplinary action was initiated against Selvi. R Ramabai, formerly Staff Nurse at Arignar Anna Memorial Cancer Institute, Karapettai, Kancheepuram on 24.05.95 under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules for her unauthorized absence from duty and her failure to furnish correct address to sent tappals addressed to her. During the year 1997, the Director of Medical Education had issued orders, removing the nurse from service. Consequent on her appeal against the punishment of 'removal' to the Government, the Government had sought the views of the Commission in the year 1998. As the punishment of 'removal from Service' was so harsh and as the appellant had hardly three years of service before retirement, the Commission advised the Government to impose the punishment of stoppage of increment for three years with cumulative effect against her, in relaxation to the rule 18 (3) of fundamental Rules. The Government, contrary to the advice tendered by the Commission, issued orders G.O (D) No: 939 Health and Family Welfare dated 11.7.2001 modifying the punishment of removal into one of "Compulsory retirement" on 11.07.2001.

Case No.-V

During the month of August 94, the Government in the Education, Science and Technology Department, sought the views of the Commission on the petition preferred by Tmt. P Chinnathai, formerly Assistant Teacher in the Panchayat Union Elementary School against the order of the District Educational officer imposing on her the punishment of removal from service.

The Commission in course of examining the case, had communicated the following views in its letter dated 6.12.94:

"The Commission has perused the records. In this case, the petitioner in her letter dated 10.8.89, has requested the District Educational Officer to allow her to join duty. But, the action of the District Educational Officer, in not allowing her to join duty and also initiated disciplinary action against her, is against the rules. Further, two charges were framed against the petitioner. In the charge memo, it has not been stated under which rules of Tamil Nadu Civil Services (Classification, Control and Appeal) rules, the charges were framed against her. She was also not asked to state, whether she desires for an oral enquiry or personal hearing or both.

The procedure prescribed under rule 18(c) of Tamil Nadu Civil Services (Classification, Control and Appeal) has not been followed in order to serve the charge memo to the petitioner. The petitioner has not attended the enquiry. Therefore, before issuing final orders, an exparte enquiry should have been conducted and the copy of exparte enquiry report should have been communicated to the petitioner as per rule 17 (b) (ii) of Tamil Nadu Civil Services (Discipline and

Appeal) rule and her further representation should have been obtained. But in this case, the said procedures have not been followed.

Further, in any case, the punishment orders will not be given re retrospective effect. In this case, the District Educational Officer, in his final orders dated 11.4.90, has ordered to remove the petitioner from service from 4.7.87 onwards. This is against the rule 54(8) of F.R.

In view of the above defects, the disciplinary case initiated against the petitioner runs into procedural flaw. Therefore, the Commission advised the Government to set aside the defective final orders and to continue the disciplinary procedures under rule 9 of Tamil Nadu Pension Rules.

But the Government have issued orders in G.O. 714 dated 3.10.96, deviating from the views of the Commission and have relied upon the following points for deviation.

The Government have examined the above suggestions of Tamil Nadu Public Service Commission. The Government felt that it is doubtful that whether a fresh proceedings under Pension Rules for the unauthorised absence could be instituted against her at that stage, after permitting her to retire on 30.4.1990, and that if at all, it is instituted, definitely the codified punishment of removal from service cannot be imposed on the delinquent officer. Further, the individual has to be paid provisional pension from 1-5-90 onwards, besides treating non-duty period as duty. Fresh charges under rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules also cannot be instituted as she had attained the age of superannuation on 30.4.90.

In the above circumstances, Government have decided to deviate from the views of Tamil Nadu Public Service Commission and decided not to initiate any disciplinary proceedings against the individual as she has already attained the age of Superannuation on 30.04.90 and to allow normal retirement of Tmt. Chinnathai with effect from 30.04.90 by setting aside the orders of removal of Tmt. P. Chinnathai Passed by the District Educational Officer, Periakulam, Madurai District.

Case No.-VI

During January' 2000 the Government in the Commercial Taxes Department, sought the views of the Commission on the appeal preferred by Thiru. S.A. Md. Asraf Ali, Sub-Registrar, Thiruchitrambalam Sub-Registrar's Office, against the punishment of stoppage of increment for two years without cumulative effect imposed by the Inspector General of Registration. The Commission examined the case and advised the Government in August' 2000 that the punishment already imposed may be reduced to stoppage of increment for six months without cumulative effect.

But the Government issued orders in G.O. (2D) No.61, Commercial Taxes (H2) Department, dt. 4.4.2001 by confirming the punishment already imposed on the appellant.

The Government have relied upon the following points for deviating from the Commission's advice:-

1. The appellant admitted the Office Asst. for remitting the huge amount of Rs. 30, 711/- into SBI of Pudukkottai, though a standing order exist that the huge amount should be remitted in bank by Assistant.

2. The Bank chalan given for which the amount has been remitted into the bank was obtained from time to time, the salary arrears of the employees amounting to Rs. 8717/- would not have been misappropriated by the office assistant.

The circumstances and nature of the case warranted only a lesser punishment of stoppage of increment for 6 months without cumulative effect and keeping this in view the Commission advised the Government accordingly. But the Government have issued orders deviating from the Commission's advice.

Case No.- VII

During December 1999 the Government in the Commercial Taxes Department, sought the views of the Commission on appeal preferred by Thiru. T.P. Madheswaran, Commercial Tax Officer, Chennai (North) Division against the punishment of stoppage of increment for a period of 1 year without cumulative effect imposed by Special Commissioner and Commissioner of Commercial Taxes Department for failure on the part of the appellant to rectify the audit defect and the submission of incorrect taxable turnover in the counter affidavit. The Commission examined the case thoroughly and advised the Government in August' 2000 that the punishment of stoppage of increment for 1 year without cumulative effect might be reduced into one of stoppage of increment for 6 months without cumulative effect.

The Government have issued orders in G.O. (2D) No. 55, Commercial Taxes Department, dt. 2.4.2001 rejecting the appeal and confirmed the punishment already imposed on the appellant.

The Government have relied upon the following points for deviating from the Commission's advice:-

The appellant has not adduced any fresh grounds in his appeal and the punishment already awarded is not disproportionately harsh and therefore decided to confirm the punishment of stoppage of increment for one year without cumulative effect already imposed on the appellant and rejected the appeal as devoid of merits.

The circumstances and nature of the case did not warrant the above said punishment and keeping this in view, the Commission advised the Government that the punishment of stoppage of increment for one year might be reduced into one of stoppage of increment for 6 months without cumulative effect. But the Government have issued orders deviating from the views offered by the Commission.

Case No.-VIII

During 1997, the Government in Health and Family Welfare Department, sought the views of the Commission on the disciplinary action taken against Dr. Y. Thiruvarul, formerly Tutor in Radiology and now Civil Surgeon is Radiology. The Commission after examining the case with connected records suggested that the punishment of stoppage of increment for three years with cumulative effect may be imposed on the delinquent in relaxation of the codified punishment under FR18 (3) for his unauthorised absence from duty and communicated its views to the Government on 19.11.98. The Government have stated that the orders as advised by the Commission could not be issued in view of the orders of the Tamil Nadu Administrative Tribunal holding FR 18 (3) as invalid and based on above orders amendments to FR. 18 (3) were issued in G.O. Ms. No. 154, Personnel and Administrative Reforms (FR III) Department, dated 8.8.2000. The Government have also stated that as the next annual increment for the delinquent falls on 1.10.2001 and also as he attains the age of superannuation on 31.8.2002, it will not be possible to impose the punishment as suggested by the Commission. Despite this they have also stated that as it would take some more time to get the Commissions revised views, the Government have decided to deviate from the views of the Commission and issued orders restricting the punishment of stoppage of increment for eleven months with cumulative effect in G.O. (D) No. 1394 Health and Family Welfare (II) Department, dated 26.9.2001.

Case No.-IX

The Government in December' 94 sought the views of the Commission on the disciplinary action initiated against two Assistant Executive Engineers(delinquent officer-1&2) in the Public Works Department for certain irregularities committed by them. The Commission pointed out certain defects in the procedure followed and the Government after rectifying the defects again sought the views of the Commission in respect of delinquent officer-2 alone in view of the fact that the other delinquent officer, Assistant Executive Engineer was removed from service for his unauthorised absence from duty. For the proven charge of delinquent officer-2, Assistant Executive Engineer, the Commission advised the Government to impose the punishment of stoppage of increment for 6 months without cumulative effect besides the recovery of 50% of the loss of Rs. 25,112/- sustained to the Government from delinquent officer-2. Since the actual loss

caused to the Government was intimated to the Commission subsequently as Rs. 20,090/- the Commission expressed the view that besides the proportionate recovery of Rs. 20,090/- the punishment of 'Censure' would meet the ends of justice as the delinquent officer-2 was due to retire from service on 31.3.2001. But Government considered that the punishment of 'Censure' is not appropriate and decided to deviate from the views of the Commission and to impose the punishment of cut in pension at the rate of Rs. 200/- per month for a period of one year apart from recovery of loss i.e. Rs. 8,802/- from the DCRG of the delinquent officer-2 and issued orders accordingly in G. O. (2D) No. 72, PWD (E1) dt. 9.11.2001.

B. NON-CONSULTATION WITH THE COMMISSION:

During the year under report, the Government did not Consult the Commission in one case the details as follows :-

Case No 1:

In G. O. Ms No. 613, Prohibition and Excise Department, dated 31.5.84, ad-hoc rules for the temporary Post of Assistant of Commissioner of Prohibition and Excise in the O/o the Commissioner of Prohibition and Excise and in the Districts included in the Tamil Nadu Civil Service Were issued. In G.O. Ms. No. 177, Prohibition and Excise Department dated 21.9.2001 amendment to rule 3 of the said ad-hoc rules relating to methods, of appointment were issued giving retrospective effect from 2.8.88. As the above said post is included in the Tamil Nadu Civil Service which is a State Service it automatically falls within the Commission's purview. The Commission should have been consulted before issue of the said amendment. But the Commission was not consulted before issue of the above said amendment. According to the Instructions issued in Government U. O. Note No. 4020/54-2 Public (Services) Department dated 11.9.54 and Government's letter No. 63278/89-3, Personnel and Administrative Reforms (Per-M), dated 25.9.89, the Commission should be consulted before any decision affecting the method of recruitment or the Principle followed in making appointments to posts within its purview is taken and not merely at the time of framing of the rules or issuing amendments thereto. Hence the Government were requested to state the circumstances under which the Commission was not consulted before issue of the said amendment. The Government have now stated that the fact that the Commission should be consulted before issue of the said amendment was not known by concern section on the Prohibition and Excise Department. The Commission was not consulted before the issue of amendment to rules in G.O. Ms. No. 177, Prohibition and Excise (VII) Department dated 21.9. 2001. The Government have thus not followed the principles laid down in the U. O. Note issued by themselves.

C. The details of the number of cases in which the Government have not accepted the Commissions advice and the number of cases in which Government have not consulted the Commission are given for the latest five years in Annexure - XI.

ACKNOWLEDGEMENT

The Commission record its appreciation for the Co-operation extended by various Trusts, Educational Institutions and their Officers in the matter of providing suitable accommodation for the various examinations held by the Commission.

The Commission is also grateful to the Examiners and Experts who inspite of their personal inconvenience readily accepted the Commission's invitations and assisted them in the conduct of different examinations and selection of Officers to various posts under the State Government.

The Commission expresses thanks all the Secretaries to Government and Heads of Departments for their kind co-operation in finalising the selections of candidates for appointment by recruitment by transfer/promotion through the Departmental Promotion Committees.

Tmt. Yasmin Ahmed I.A.S. (Retired)	**....**	**Chairperson**
Thiru R. Velu, I.A.S. (Retired)	**....**	**Member**
Thiru R. Gurusamy, B.A., B.L.	**....**	**Member**
Prof. G. Ranganathan, M.A ., M.Phil.	**....**	**Member**
Prof. Dr. S. Balasubramanian, M.A., M.Phil., Ph.D., D.S.S	**....**	**Member**
Thiru M. Mani, I.P.S (Retired)	**....**	**Member**
Thiru V. Alagu Sundaram M.Sc.,	**....**	**Member**
Dr. R. Perumal Samy M.A., M.phil., Ph.D.,	**....**	**Member**
Dr. (Tmt.) K.M. Ramathal, M.A ., M.Phil., Ph.D.,	**....**	**Member**
Thiru R. Tamil Mani, B.A., B.L.,	**....**	**Member**

Tamil Nadu Public Service
Commission, Chennai 600 002.
Dated: 28-08-2002

Hemant Kumar Sinha, I.A.S
Secretary

ANNEXURE - I

(Reference Introduction)

STAFF STRENGTH IN THE COMMISSION'S OFFICE AS ON 31ST MARCH 2002.

1. Deputy Secretary	4
2. Under Secretary	24
3. Accounts Officer	1
4. Assistant Accounts Officer	1
5. Research Officer	1
6. Librarian	1
7. Senior Research Assistant	2
8. Section Officer	83
9. Private Secretary	1
10. Input/output Supervisor (Computer)	1
11. Input/output Operator (Computer)	1
12. Data Entry Operator (Computer)	8
13. Accountants	26
14. Assistant Section Officer	183
15. Personal Assistant	6
16. Personal Clerk	8
17. Telephone Operator	2
18. Assistant	117
19. Typist	37
20. Driver	13
21. Record Assistant	2
22. Record Clerk	21
23. Lift Operator	1
24. Daffadar	1
25. Office Assistant	79
26. Watchman	6
27. Sweeper	4
28. Sanitary Worker	3
29. Water Man	1

ANNEXURE -II

DETAILS OF SELECTION RESULTS - DIRECT RECRUITMENT YEAR 2001-2002

SL.NO	NAME OF THE POST AND DEPT./SERVICE	LAST DATE FOR RECEIPT OF THE APPLICATION	DATE OF FINAL RESULTS PUBLISHED	NUMBER OF VACANCIES NOTIFIED						NUMBER OF APPLICATION RECEIVED	NO. OF CAND. APPE. IN PRELIM.EXAM	NO.OF CAND. APPE. IN THE MAIN EXAM	NO.OF CANDIDATES APPEARED IN THE ORAL EXAMINATION						NO. OF CANDIDATES SELECTED						QUALIFICATION OF SELECTED CANDIDATES	REMARKS
				SC	ST	MBC/DC	BC	GT	TOTAL				SC	ST	MBC/DC	BC	OTHERS	TOTAL	SC	ST	MBC/DC	BC	OTHERS	TOTAL		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
	I - STATE SERVICE																									
1.	Group - I Services	10.02.98	02.04.01	16 (3)	1	16 (4)	26 (10)	25 (6)	84 (26)	67072	67.004	741	88 (50)	3 (2)	105 (36)	105 (36)	2 (1)	386 (181)	16 (9)	1 (1)	21 (7)	46 (19)	-	84 (36)	BA-3, MA.-15, MABEd-3, M.A.Mphil-3, B.Sc.5, B.Sc.B.Ed-1, M.Sc-15, M.Sc B.Ed-5, B.Sc(Agri) -8, M.Sc (Agri)-3, B.Sc(Hort)-2, B.V.Sc-3, M.V.Sc-2, BBA-1, BL-4, BE-6, B.Tech-1, BSMS-1, MSMS-1, B.Com. MLIS-1, BIit-1. B.Sc(N.F.SM&D)-1 M.Sc(F&N) - 1	5 MBC, 20 BC Candidates selected against GT.
2.	Dietician in the Govt.Hospitals in the TN Medical Service	15.02.00	06.06.01	-	-	-	1	1	2	214	-	123	-	-	2 (1)	4 (3)	-	6 (4)	-	-	-	2 (2)	-	2 (2)		One BC Canddiate selected against G.T
3.	Asst.Works Manager in the T.N. Stationery and Printing Service	19.07.00	13.06.01	-	-	-	2 (1)	2	4 (1)	128	-	88	-	-	2	10 (2)	-	12 (2)	-	-	-	4 (1)	-	4 (1)	D.P.T - 4	2 BC Canddiate selected against G.T
4.	Group-I A Services Asst. Conservator of Forests in the T.N.Forest Service	29.03.00	08.08.01	2	-	1	3 (1)	2	8 (1)	1438	-	607	6	-	4	12 (4)	2 (1)	24 (5)	2	-	1	4 (2)	1 (1)	8 (3)	M.Sc-3, B.Sc-4, B.E-1	One BC Canddiate selected against G.T
5.	Asst.Surgeon(General-Women only) in the T.N.Medical Service	15.10.00	09.10.01	63	4	70	105	108	350	2656	-	2370	140	2	166	353	33	694	71	2	88	171	16	348	M.B.B.S-348	~~65~~ 66 BC, 18 MBC, 8 SC Canddiates selected against G.T, 2 S.T. vacancies carried farward to next Recruitment.
6.	Group - I Services	12.01.01	13.06.01	9 (2)	1	10 (3)	12 (4)	14 (4)	46 (13)	46638	31819	391	34 (14)	3	35 (10)	65 (20)	1 (1)	138 (45)	10 (4)	1	13 (4)	22 (7)	-	46 (15)	B.Sc(Agri)-13, M.B.B.S-1, B.S.M.S-1, B.E-9, B.Sc.B.Ed-1, B.F.Sc-1, M.A.-5, M.B.A-1, M.Sc-9, M.Tech-2, M.Sc-MPhil.1, M.L.M-1, M.Com-1	1 SC, 3 MBC, 10 BC Candidates selected against GT.
7.	Asst.Public Prosecutor Grade-II in the T.N.General Service	10.01.01	09.11.01	10 (3)	2	11 (3)	16 (5)	16 (5)	55 (16)	2293	-	1372	23 (6)	-	30 (7)	51 (8)	1	105 (21)	11 (3)	-	17 (6)	25 (6)	-	53 (15)	B.L.-41, M.L.-12	1 SC, 6 MBC, 9 BC Candidates selected against GT. 2 ST vacancies carried forwarded to next recruitment
8.	Veterinary Asst.Surgeon/Research Asst.in the T.N.Animal Husbandry Service	25.04.01	15.10.01	22 (6)	1	23 (7)	34 (10)	36 (11)	116 (34)	1071	-	802	47	3	63	115	5	233	23 (6)	1	30 (7)	59 (20)	3 (1)	116 (34)	B.V.Sc-105, MVSc-11	1 SC, 7 MBC, 25 BC Canddiates selected against G.T
9.	Speech Therapist in the T.N.Medical Service	15.03.00	06.08.01	-	-	-	-	1	1	34	-	30	-	-	-	2	1	3	-	-	-	1 (1)	-	1 (1)	M.Sc(Speech&Hearing) - 1	1 BC Canddiates selected against G.T

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
	II - SUBORDINATE SERVICES																									
10.	Cost Asst.in the Dept.of Industries and Commerce	24.05.00	07.08.01	-	-	-	-	1	1	25	-	16	-	-	-	3	-	3	-	-	-	1	-	1	ICWAI - 1	1 BC Candidate selected against G.T
11.	School Asst.(Maths) in the T.N.Social Defence Sub.Service	20.12.00	27.08.01	-	-	-	-	1	1	320	-	174	-	-	-	3	-	3	-	-	-	1	-	1	M.Sc.B.Ed - 1	1 BC Candidate selected against G.T
12.	Librarian in the Department.of Archaeology	04.10.00	31.08.01	-	-	-	-	-	1	421	-	237	-	-	-	3	-	3	-	-	-	1	-	1	B.Sc.MLIS - 1	---
13.	Asst.Curator (Archaeology) in the Govt. Museum	15.03.00	16.08.01	-	-	-	1	1	2	30	-	20	-	-	-	1	3	4	-	-	-	1	1 (1)	2 (1)	M.A -1,B.A-1	---
14.	Asst.Tester in the T.N.Industries Sub.Service	13.09.00	27.08.01	-	-	1	-	-	1	37	-	20	-	-	3	-	-	3	-	-	1	-	-	1	B.E - 1	---
15.	Foremen Instructor(Leather Goods Manufacturer) in the T.N.Technical Education Sub.Service	07.11.00	27.08.01	-	-	-	-	1	1	44	-	9	1	-	-	2	-	3	-	-	-	1	-	1	Dip.in Leacher Tech.-1	1 BC Candidate selected against G.T
16.	Combined Sub.Service Exam.-I	18.08.99	23.08.01	13 (5)	-	13 (5)	23 (7)	23 (7)	72 (24)	23673	-	14872	42	-	54	105	15	216	14 (5)	-	18 (6)	35 (11)	5 (2)	72 (24)	M.Sc-7,M.A -8, M.Com-6, B.Com-21, B.A.-3,B.Sc-19 B.E-7, B.L -1	1 SC. 5 MBC.12 BC Candidates selected against G.T
17.	Asst.Statistical Investigator in Dept.of Economics and Statistics	22.09.99	19.09.01	8 (2)	-	8 (2)	13 (4)	13 (3)	42 (11)	3730	-	2653	16	-	16	26	26	84	11 (3)	-	12 (4)	16 (6)	3 (1)	42 (14)	B.Sc(Maths)-7, M.Sc(Maths)-8, B.A(Eco)-8, M.A(Eco)-18, M.Sc(Stat)-1	3 SC.4 MBC.3 BC Candidates selected against G.T
18.	Technical Asst.in the TN Industries Sub.Service	24.08.00	09.10.01	-	-	-	-	1	1	247	-	97	-	-	-	3	-	3	-	-	-	1	-	1	D.E.C.E-1	1 BC Candidate selected against G.T
19.	Librarian in Govt.Oriental Manuscripts Library, Chennai	10.01.01	09.10.01	-	-	-	-	-	1	187	-	74	-	-	-	-	3	3	-	-	-	-	1	1	M.A .M.Phil.B.Ed-1	---
20.	Asst.Section Officer (Translation) in the TN Secretariat Service	24.01.01	22.10.01	1	-	-	-	1	2	566	-	348	3	-	1	2	-	6	1	-	-	1	-	2	B.Sc-1, M.A -1	1 BC Candidate selected against G.T

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
21.	Block Health Statistician in the Family Welfare Wing in the TN Medical Sub.Service	28.02.01	22.10.01	1	1	1	1	2 (1)	6 (1)	352	-	118	3	-	4	7	1	15	1	-	1 (1)	2	1 (1)	5 (2)	M.Sc(Stat)-3, B.Sc(Stat)-1, B.Sc(Maths)-1	1 BC Candidate selected against G.T 1 S.T Vacncy carried farward to next Recruitmnt
22.	Group-IV Services StenoTypist-Gr.III	24.11.99	24.04.01	44 (21)	1	60 (20)	91 (30)	114 (41)	310 (112)	1701	-	1155	-	-	-	-	-	-	45 (36)	1	75 (56)	167 (121)	22 (17)	310 (230)	SSLC&Shorthand in English and Tamil-310	1 SC, 15 MBC, 26 [76] BC Candidates selected against G.T
23	Group-IV Services Junior Assistant Cum Typist	15.11.99	24.04.01	225 (4) [68]	14 (2)	243 (70)	365 (104)	378 (111)	1225 (225) [355]	4,05,927	-	3,49,692	-	-	-	-	-	-	242 (88)	15 (5)	316 (97)	619 (207)	32 (19)	1224 (236) [416]	SSLC-12,HSC-107, Deg 164,P.G-22	1 G.T. (Women)Vacancy kept vacant for the Court Order.
24.	Combined Subordinate Service Examination - I	01.08.98	20.08.01	210 (60)	11 (2)	228 (71)	343 (98)	369 (110)	1161 (341)	1,72,120	-	70,033	316	12	488	848	38	1702	208 (73)	8 (1)	325 (94)	568 (189)	30 (14)	1139 (371)	Degree - 1139	21 S.C., 1 S.T. vacancies carried farward to next recruitment for the post of Personal Clerk
	TOTAL								3493	7,30,924	98,829	4,46,042						3[illegible]	655	29	918	1748	115	3465		

ANNEXURE - III

(Reference Section - I)

STATEMENT SHOWING INCOME AND EXPENDITURE DURING THE YEAR 2001-2002.

Nature of Receipts	Amounts in thousand (Rupees)
(1)	(2)
INCOME	
Application Sale	25,06
Examination Fees-Departmental Test	16,09
Examination fees - Recruitment Examination	34,99
Examination fees – Refund	(-) 22
Total	75,92
EXPENDITURE	
Pay	4,48,00
Dearness Allowance	2,04,22
Medical Charges	12,68
Other Allowances	68,50
Leave Travel Concession	3,28
Festival Advance	53
Traveling Allowance	1,77
Telephone Charges	6,41
Other Contingent	16,51
Special services and Professional Charges	2.25,00
Prize and Awards	5
Advertisement Charges	34,99
Machinery and Equipment Maintenance and Purchase	74
Motor Vehicle, Petrol and Oil Charges	14,11
Wages	47,58
Electricity Charges	7,75
Computer	1,90
Recoveries of Festival Advance and others Items	(-)9,14
Total	**10,84,88**

ANNEXURE IV

LIST OF NOTIFICATION PUBLISHED DURING THE YEAR 2001-2002

Sl. No.	Name of the Post & Department	Date of Notification	No. of vacancies notified	No. of applications received
(1)	(2)	(3)	(4)	(5)
1.	Agricultural Officer (Extension) 80 Agricultural Officer (Chemical) 9 in The Tamil Nadu Agriculture Service.	15.6.2001	89	4013
2.	District Educational, Officer in the Tamil Nadu Educational Service	15.06.2001	9	1648
3.	Assistant (Translation) Tamil Development Culture and Religious Endowments Department	19.07.2001	1	25
4.	Assistant Librarian in Law Colleges in the Tamil Nadu Ministerial Service	19.7.2001	1	210
5.	Scientific Assistant Grade -II in the Tamil Nadu Forensic Science Subordinate Service.	19.7.2001	15	1093
6.	Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Sub-Service	27.7.2001	8	884
7.	Tamil Pandit Grade-I in the Men's Branch in the Tamil Nadu Social Defence Subordinate Service	27.7.2001	2	66
8.	Superintendent Government Protective Homes in the Tamil Nadu Social Defence Subordinate Service	27.7.2001	1	10
9.	Assistant Works Manager in the Tamil Nadu Stationary and Printing Service	23.8.2001	9	199
10.	Junior Training Officer (Language English) in the Training Wing of the Department of Employment and Training in the Tamil Nadu Employment and Training Sub-Service.	23.8.2001	1	72
11.	Mass Interviewer in the Institute of Public Health Poonamallee in the Tamil Nadu Public Health Sub-Service	23.8.2001	1	106
12.	Civil Judge (Junior Division/Judicial Magistrate, First Class) in the Tamil Nadu State Judicial Service	24.8.2001	18	1773
13.	Hostel Superintendent -Cum- Physical Training Officer in the Training Wing of the Department of Employment and Training in the Tamil Nadu Employment and Training Sub-Service	24.8.2001	1	34
14.	Jailor in the Tamil Nadu Jail Service	27.8.2001	6	1614
15.	Combined Engineering Service Examination	12.9.2001	414	8449
16.	Assistant Medical Officer (Siddha-45, Ayurveda-3, Unani-1) in the Government Hospitals and Dispensaries in the Department of Indian and Homoeopathy in the Tamil Nadu Medical Service.	12.9.2001	49	1459
17.	Assistant Training Officer (Steno-English) in the Training Wing of the Department of Employment and Training in the Tamil Nadu Employment and Training Sub-Service.	24.9.2001	1	8
18.	Assistant Director of Statistics in the Tamil Nadu Statistics Service.	26.9.2001	6	212
19.	Assistant Professor of Psychology – cum-Clinical Psychologist in the Tamil Nadu Medical Service	5.10.2001	3	16
20.	English Reporter in the Tamil Nadu Legislative Assembly Secretariat Service.	22.10.2001	1	9
	Total		**636**	**21900**

ANNEXURE - V

(Reference Section - II)

List of Preliminary, Main Written and oral Examination Conducted

During the Period from 1st April 2001 to 31st March 2002

S.No	Name of Post/Service	No. of Vacancies	No. of Application Recd.	Date of Exams
1.	**I. PRELIMINARY EXAMINATION** Group I Service	99	1,06,650	10.6.2001
	Total	**99**	**1,06,650**	
	II. MAIN WRITTEN EXAMINATION:			
1.	Librarian in Govt. Oriental Manuscripts Library, Chennai in The Tamil Nadu Ministerial Service.	1	187	07/04/2001 FN & AN 08/04/2001 FN & AN
2.	Assistant Section Officer (Translation) in Tamil Development-Culture and Religious Endowments Department in the Tamil Nadu Secretariat Service.	2	566	21/04/2001 FN & AN 22/04/2001 FN
3.	Block Health Statistician in the Family Welfare Wing in the Tamil Nadu Medical Sub. Service.	6	351	28/04/2001 FN & AN 29/04/2001 FN
4.	Tamil Nadu Animal Husbandry Service Veterinary Assistant Surgeon Research Assistant	114 2	1003	16-06-2001 FN & AN 17-06-2001 FN & AN
5.	Tamil Nadu Agriculture Service. Agricultural Officer (Extension) Agricultural Officer (Chemistry)	80 9	4013	15-09-2001 FN & AN 16-09-2001 FN & AN
6.	Group-I Services Main Written Examination 1999-2000	74	707	24-09-2001 to 17-10-2001 (Except 30.9.2001, 2.10.2001 & 7.10.2001)
7.	Assistant (Translation) in Tamil Development-Culture and Religious Endowments Department in the Tamil Nadu Secretariat Service.	1	25	17-11-2001FN & AN 18-11-2001 FN
8.	Assistant Librarian in Law Colleges in the Tamil Nadu Ministerial Service.	1	210	17-11-2001FN & AN 18-11-2001 FN
9.	District Educational Officer in the Tamil Nadu School Educational Service.	9	1648	24-11-2001FN &AN 25-11-2001FN & AN
10.	Scientific Assistant Grade-II in the Tamil Nadu Forensic Science Subordinate Service.	15	1093	08-12-2001FN & AN 09-12-2001 FN & AN
11.	Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service.	8	884	15-12-2001FN & AN 16-12-2001 FN
12.	Tamil Pandit Gr.-I in the Men's Branch in the Tamil Nadu Social Defence Subordinate Service.	2	66	15-12-2001FN & AN 16-12-2001FN
13.	Superintendent, Government Protective Homes in the Tamil Nadu Social Defence Subordinate Service.	1	10	15-12-2001 FN & AN 16-12-2001 FN & AN
14.	Junior Training Officer (Language - English) in the Training Wing of the Department of Employment and Training in the Tamil Nadu Employment and Training Subordinate Service.	1	72	15-12-2001 FN & AN 16-12-2001 FN

S.No	Name of Post/Service	No. of Vacancies	No. of Application Recd.	Date of Exams
15.	HostelSuperintendent-cum-Physical Training Officer in the Training wing of the Department of Employment and Training in the Tamil Nadu Employment and Training Subordinate Service.	1	34	02-02-2002 FN & AN 03-02-2002 FN
16.	Civil Judge (Junior Division/Judicial Magistrate, First Class) in the Tamil Nadu State Judicial Service.	18	1773	02-02-2002 FN & AN 03-022002 FN & AN
17.	Assistant Works Manager in the Tamil Nadu Stationery and printing Service.	9	199	02-02-2002 FN & AN 03-02-2002 FN
18.	Assistant Medical Officer(Siddha/ Ayurveda/Unani) in Government Hospitals and Dispensaries in the Department of Indian Medicine and Homoeopathy in Tamil Nadu Medical Service Siddha 45 Ayurveda 3 Unani 1	49	1459	02-02-2002 FN & AN 03-02-2002 FN & AN
19.	1. Assistant Training Officer (Stenography-English) in the Training wing of the Department of Employment and Training in the Tamil Nadu Employment and Training Subordinate Service.	1	8	02-02-2002 FN & AN 03-02-2002 FN
20.	Group-I Services (Main Written Examination) 2000-2001	95	922	09-02-2002 to 13-03-2002 (Except 15.2.2002-18.2.2002, 21.2.2002-24.2.2002 & 29.2.2002 - 4.3.2002)
21.	Jailor in the Tamil Nadu Jail Service.	6	1614	16-02-2002 FN & AN 17-02-2002 FN
22.	Mass Interviewer in the Institute of Public Health, Poonamallee in the Tamil Nadu Public Health Subordinate Service.	1	106	02-03-2002 FN & AN 03-03-2002 FN
23.	Assistant Professor of Psychology-cum-Clinical Psychologist in the Tamil Nadu Medical Service.	3	16	02-03-2002 FN & AN 03-03-2002 FN & AN
	Total	**558**	**18425**	

III. LIST OF ORAL EXAMINATION

Sl. No.	Date	Name of the Post	Boards							Total No. of Candidates
			I	II	III	IV	V	VI	VII	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
1.	27.4.2001	Dietician in Government Hospitals in the Tamil Nadu Medical Service.	6	-	-	-	-	-	-	6
2.	4.6.2001	Assistant works Manager in the Tamil Nadu Stationery and Printing Service.	6	6	-	-	-	-	-	12
3.	6.6.2001	Posts included in CSSE-I 96-99	20	20	20	20	20	20	-	120
	7.6.2001	- do -	20	20	20	20	20	20	-	120
	8.6.2001	- do -	20	20	20	20	20	20	-	120
	12.6.2001	- do -	20	20	20	20	20	20	-	120
	13.6.2001	- do -	20	20	20	20	20	20	-	120
	14.6.2001	- do -	20	20	20	20	20	20	-	120
	15.6.2001	- do -	20	20	20	20	20	20	-	120
	16.6.2001	-do -	20	20	20	20	20	20	-	120
	18.6.2001	- do -	20	20	20	20	20	20	-	120
	19.6.2001	- do -	21	21	21	21	21	20	-	125
	20.6.2001	- do -	21	21	21	21	21	20	-	125
	21.6.2001	- do -	21	21	21	21	21	20	-	125
	22.6.2001	- do -	21	21	21	21	21	20	-	125
	23.6.2001	- do -	21	21	20	20	20	20	-	122
4.	30.7.2001	Probation Officer in the Tamil Nadu Jail Sub-Service Included in CSSE-I 96-99	6	-	-	-	-	-	-	6
5.	30.7.2001	Cost Assistant in the Department of Industries and Commerce in the Tamil Nadu Ministerial Service	-	3	-	-	-	-	-	3
6.	6.8.2001	Speech Therapist in the Government Medical Institution in the Tamil Nadu Medical Service	3	-	-	-	-	-	-	3

7.	6.8.2001	Assistant Curator in the Government Museums in the Tamil Nadu General Service	-	4	-	-	-	-	-	4
8.	9.8.2001	Second Class and Third Class Language Test	15	15	15	15	15	15	-	90
.	10.8.2001	Second Class and Third Class Language Test	7	7	7	7	7	-	-	35
9.	14.8.2001	Assistant Tester in the Industries Subordinate Service	3	-	-	-	-	-	-	3
10.	14.8.2001	Foremen Instructor (leather Goods manufactures) in the Tamil Nadu Technical Education Subordinate Service	-	3	-	-	-	-	-	3
11.	14.8.2001	School Assistant (Math's) in the Tamil Nadu Social Defence Subordinate Service	-	-	3	-	-	-	-	3
12.	24.8.2001	Language Test in Tamil for the Members of the Commercial Tax Department	1	-	-	-	-	-	-	1
13.	27.8.2001	Librarian in the Department of Archaeology in the Tamil Nadu General Subordinate Service	3	-	-	-	-	-	-	3
14.	10.9.2001	Assistant Statistical Investigator in the Department of Economics and Statistics	17	17	17	17	16	-	-	84
15.	18.9.2001	Assistant Surgeon (General) in the Tamil Nadu Medical Service (for Women only)	15	15	15	15	15	15	-	90
	19.9.2001	- do -	15	15	15	15	15	15	-	90
	20.9.2001	- do -	15	15	15	15	15	15	-	90
	21.9.2001	- do -	15	15	15	15	15	15	-	90
	24.9.2001	-do -	15	15	15	15	15	15	-	90
	25.9.2001	- do -	17	17	17	17	17	17	-	102
	26.9.2001	- do -	17	17	17	17	17	17	-	102
	27.9.2001	-do -	7	7	7	7	6	6	-	40
16.	21.9.2001	First Class Language Test in Tamil Part -I & Part -II	-	-	-	-	-	-	13	13

17.	3.10.2001	Technical Assistant in the Tamil Nadu Industries Subordinate Service	3	-	-	-	-	-	-	3
18.	3.10.2001	Librarian in the Government Oriental Manuscripts Library in the Tamil Nadu Ministerial Service	-	3	-	-	-	-	-	3
19.	8.10.2001	Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry Service	14	14	14	14	14	-	-	70
	9.10.2001	-do -	14	14	14	14	14	-	-	70
	10.10.2001	-do -	13	13	13	13	13	-	-	65
	11.10.2001	-do -	6	6	6	5	5	-	-	28
20.	15.10.2001	Assistant Section Officer (Translation) in the Tamil Nadu Secretariat Service	6	-	-	-	-	-	-	6
21.	15.10.2001	Block Health Statistician in the Family Welfare Wing	-	15	-	-	-	-	-	15
22.	31.10.2001	Assistant Public Prosecutor Grade-II in the Tamil Nadu General Service	14	14	14	14	14	-	-	70
	1.11.2001	- Do -	7	7	7	7	7	-	-	35
23.	21.2.2002	Second Class/Third Class Language Test	17	17	17	17	17	-	-	85
24.	21.3.2002	First Class Language Test in Tamil Part I & Part –II	11	-	-	-	-	-	-	11
25.	13.3.2001	Group-I Services	10	10	10	10	10	-	-	-50
	14.3.2002	-do -	10	10	10	10	10	-	-	50
	15.3.2002	-do -	10	10	10	9	9	-	-	48
		Total	**603**	**589**	**557**	**552**	**550**	**410**	**13**	**3274**

ANNEXURE – VI

(Reference Section - III)

Details of paucity of suitable and qualified candidates

Sl. No.	Name of the post	Department/Service	Vacancies Reserved	No. of Qualified Candidates	No. of Candidates selected	No. of Vacancies unfilled	Remarks
(1)	(2)	(3)	(4)	(5)	(6)		(8)
A.	General Turn	Nil					
B.	Backward Classes	Nil					
C.	Most Backward Classes	Nil					
D.	Scheduled Caste						
	1. C.S.S.E-I (Personal Clerk)	T.N. Secretariat Services.	31	10	10	21	Suitable and Qualified candidates are not available.
E.	Scheduled Tribes						
	1. Assistant Surgeon	T.N. Medical Service	4	2	2	2	Suitable and Qualified candidates are not available.
	2. Block Health Statistician	T.N. F.W. Department	1	-	-	1	-do -
	3. Assistant Public Prosecutor Grade -II	T.N.General Services.	2	-	-	2	-do -
	4. C.S.S.E.-I (Personal Clerk)	T.N. Secretariat Services.	3	2	2	1	-do -
		TOTAL	41	14	14	27	

ANNEXURE - VII

(Reference Section 4)

Posts for which Recruitment was made by Transfer/Promotion

Sl.No.	Name of the Post	Name of Service	No. of persons selected
(1)	(2)	(3)	(4)
1.	Assistant Agricultural Chemist	T.N. Agriculture Service	11
2.	Assistant Commissioner of Agricultural Income Tax	T.N. Agricultural Income Tax Service	1
3.	Assistant Director of Cooperative Audit	T.N. Cooperative Service	32
4.	Deputy Registrar of Cooperative Societies	- do -	52
5.	Chief Accountant/Administrative Officer	T.N. Electrical Inspectorate Service	4
6.	Assistant Executive Engineer (Civil)	T.N. Engineering Service	144
7.	Assistant Executive Engineer (Electrical)	- do -	6
8.	Head Draughting Officer	- do	9
9.	Assistant Director of Public Libraries	T.N. Educational Service	1
10.	Administrative Officer in Agricultural Department	T.N. General Service	13
11.	Administrative Officer in Animal Husbandry Department	- do -	3

(1)	(2)	(3)	(4)
12.	Administrative Officer in the O/o Special Commissioner & Commissioner of Commercial Taxes	T.N. General Service	2
13.	Administrative Officer in the Training Wing in Employment and Training Department	- do	14
14.	Administrative Officer in Public Health and Preventive Medicine Department	- do -	16
15.	Administrative Officer in Public Works Department	- do -	16
16.	Administrative Officer in Survey and Land Records Department	-do-	3
17.	Assistant Commissioner in Land Administration (Class XLV)	- do -	1
18.	Assistant Director in National Cadet Corps	- do -	2
19.	Assistant Director of Town and Country Planning	- do -	10
20	Chief Reporter (Police Department)	- do -	2
21.	Deputy Registrar (Dairying)	- do -	9
22.	District Employment Officer	- do -	8
23.	Head of Section in T.V. Production in the Film & Training Institute of Tamil Nadu	- do -	1
24.	Librarian in the Archives	- do -	1
25.	Personal Assistant (Administration) in the Directorate of Vigilance and Anticorruption	- do -	1
26.	Personal Assistant (Class XLI) in the Forest Department	- do -	6
27.	Regional Audit Officer in the Hindu Religious and Charitable Endowment Administration Department	- do -	4
28.	Under Secretary to Government in Finance Department	- do -	4
29.	Under Secretary to Government other than Law & Finance Department	- do -	357
30.	Assistant Director of Local Fund Audit and Internal Audit	T.N. Local Fund Audit Service	14
31.	Bio Chemist	T.N. Medical Service	10
32.	Deputy Superintendent of Police (Cat.1)	T.N. Police Service	75
33.	Assistant Water Analyst	T.N.Public Health Service	1
34.	Senior Analyst	- do -	2
35.	Automobile Engineer	T.N. Public Health Service	1
36.	Lecturer in Health Education & Family Welfare	- do -	1
37.	Public Health Nurse	- do -	13
38.	Technical Personal Assistant Grade I / Senior Sanitarian	- do -	19
39.	Senior Entomologist	- do -	2
40.	Assistant Director/Personal Assistant to Director of Stationery & Printing	T.N. Stationery and Printing Service	6
41.	Assistant Works Manger	- do -	9
42.	Assistant Director of Survey & Land Records	T.N. Survey and Land Records Service	4
	TOTAL		**890**

ANNEXURE - VIII

(Reference Section - IV)

Appeal/Review Petition/Revision Petition/Disciplinary Action/Recovery/Reduction in Pension.

Sl. No.	Name of Department	Appeal/Review Petition / Revision Petition		Disciplinary Action		Recovery/ Reduction in Pension	
		Number of Cases involving charges					
		Affecting integrity	other than integrity	Affecting integrity	other than integrity	Affecting integrity	other than integrity
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Agriculture	1	25	1	14	-	3
2.	Animal Husbandry & Fisheries	-	2	-	4	-	1
3.	Education	-	3	-	5	-	2
4.	Law	-	-	-	1	-	-
5.	Commercial Taxes	1	29	2	8	1	3
6.	Home	1	53	4	15	-	8
7.	Municipal Administration & Water Supply	1	5	-	3	-	2
8.	Co-operation	-	7	-	2	-	1
9.	Labour & Employment	-	10	-	3	-	1
10.	Environment & Forests	1	16	-	7	-	4
11.	Highways	-	4	-	4	-	2
12.	Small Industries	-	6	-	3	-	-
13.	Information & Tourism	3	1	-	-	-	-
14.	Health & Family Welfare	7	40	-	44	-	5
15.	Handloom Handicrafts Textiles & Khadi	-	5	-	-	-	-
16.	Public Works Department	3	5	-	9	-	2
17.	Finance	-	3	-	-	-	-
18	Social Welfare	-	1	-	-	-	-
19	Planning & Statistics	-	1	-	-	-	-
20	Public	-	2	-	1	-	-
21	Rural Development	-	19	-	22	2	7
22	Revenue	1	19	1	13	1	6
23	Adi-Dravidar Welfare	-	1	-	-	-	-
24	Transport	-	5	-	2	-	-
25	Tamil Development and Religious Endowment	1	4	3	4	-	1
	TOTAL	**20**	**266**	**11**	**164**	**4**	**48**

Appeal/Review Petition/Revision Petition	-	**286**
Disciplinary Action	-	**175**
Recovery/Reduction in pension	-	**52**
Total		**513**

ANNEXURE - IX

(Reference Section IV)

A. Appointments for which Commission's concurrence was accorded under the latter part of Regulation 16(B) of Tamil Nadu Public Service Commission Regulation 1954.

I State Services

Sl.No.	Name of the Department	Name of the Post	No. of Cases
(1)	(2)	(3)	(4)
1.	Medical Department	Assistant Medical Officer	8
2.	Public Works Department	Assistant Engineer	13
3.	Agricultural Department	Agriculture Officer	7
4.	High ways and Rural Works Department	Assistant Engineer	6
	Total		**34**

II Subordinate Services - Nil

III - Ministerial Service

Sl. No.	Name of the Department	Name of the Post		
		J.A.	Typist	V.A.O.
(1)	(2)	(3)	(4)	(5)
1.	Revenue	94	-	13
2.	Fire	8	-	-
3.	Health and Family Welfare	78	1	-
4.	Highways and Rural Works	102	8	-
5.	Land Administration	104	-	-
6.	Energy	1	-	-
7.	Labour and Employment	8	-	-
8.	Personnel and Administration	2	-	-
9.	Higher Education	18	-	-
10.	Commercial Taxes and Religious Endowment	2	-	-
11.	Forest	60	-	-
12.	Agriculture	12	-	-
13.	Town Panchayat	12	-	-
14.	Handlooms and Textiles	7	-	-
15.	Seri Culture	1	-	-
16.	Co-Operative and Food Consumer Production	23	1	-
17.	Finance Department	10	-	-
18.	Ex-Servicemen Welfare	12	2	-
19.	Transport	1	-	-
20.	Social Welfare and Nutritious Meal Program	2	-	-
21.	Adi-Dravidar and Tribal Welfare	3	-	-
22.	Home	122	-	-
23.	Education	40	-	-
24.	Public Works Department	47	-	-
25.	Rural Development	115	-	-
26.	Secretariat Service	6	-	-
	TOTAL	**890**	**12**	**13**

State Service	-	**34**
Sub-ordinate Service	-	--
Ministerial Service	-	**915**
	Total	**949**

B. In the following cases the Commission's Concurrence under the latter part of Regulation 16(B) of the Tamil Nadu Public Service Commission Regulations 1954 was sought for but was refused.

Nil

ANNEXURE – X

(Reference Section – IV)

Temporary appointment in different post in State/Subordinate, Ministerial Services beyond the period of 24 months for which the concurrence was accorded.

Sl. No	Name of the Post	Name of the Department	No. of Persons	Reason
(1)	(2)	(3)	(4)	(5)
	I. State Service		NIL	
	II. Subordinate Service		NIL	
	III. Ministerial Service			
1.	JUNIOR ASSISTANT	Director of Technical Education	7	Temporary appointments
2.	TYPIST	Director of School Education	5	"
3.	TYPIST	Co-operation	1	"
4.	TYPIST	Public Works Department	1	"
		Total	**14**	

ANNEXURE - XI

(Reference Section – VII)

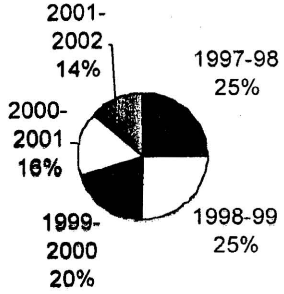
Instances in which the Government Deviated from Commission's advice/not consulted with the Commission during the period 1997-2002

SL. NO	YEAR	NUMBER OF CASES IN WHICH THE GOVERNMENT DEVIATED FROM THE COMMISSION'S ADVICE	NUMBER OF CASES IN WHICH THE GOVERNMENT DID NOT CONSULT THE COMMISSION
(1)	**(2)**	**(3)**	**(4)**
1.	**1997-98**	**8**	**-**
2.	**1998-99**	**7**	**-**
3.	**1999-2000**	**3**	**-**
4.	**2000-2001**	**1**	**-**
5.	**2001-2002**	**9**	**1**

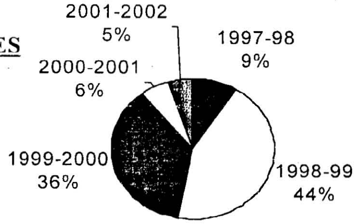
ANNEXURE - XII / பின்இணைப்பு - XII

DETAILS OF NOTIFICATION AND VACANCIES IN THE LAST FIVE YEARS PERIOD
கடந்த ஐந்து ஆண்டுகளில் வெளியிடப்பட்ட அறிவிக்கைகள் மற்றும் காலியிடங்களின் விவரம்

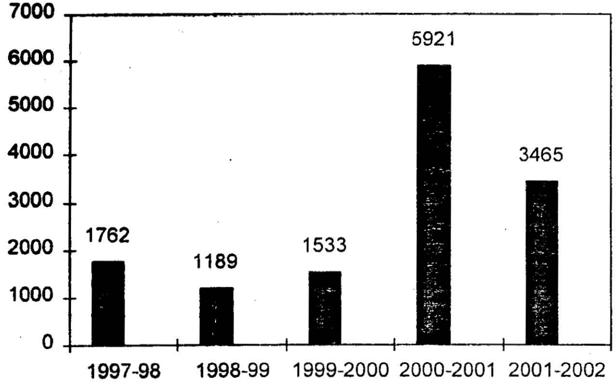
NOTIFICATION



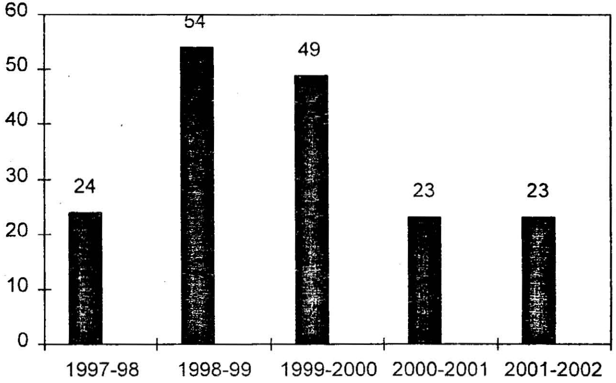
VACANCIES



NUMBER OF CANDIDATES SELECTED AND RECOMMENDED FOR APPOINTMENTS IN THE LAST FIVE YEARS PERIOD
கடந்த ஐந்து ஆண்டுகளில் தெரிவு பெற்று பணி நியமனத்திற்காக பரிந்துரை செய்யப்பட்டோர் எண்ணிக்கை விவரம்

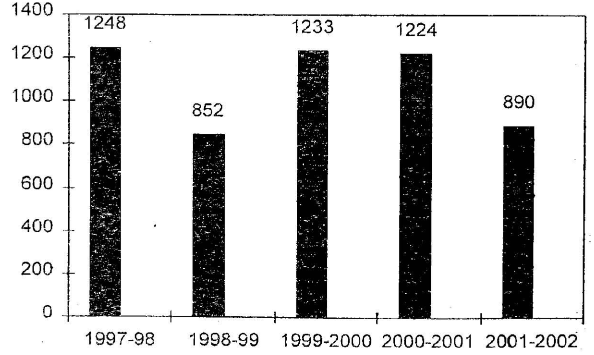


WRITTEN EXAMINATIONS CONDUCTED IN THE LAST FIVE YEARS PERIOD
கடந்த ஐந்து ஆண்டுகளில் நடத்தப்பட்ட எழுத்துத் தேர்வுகளின் எண்ணிக்கை விவரம்



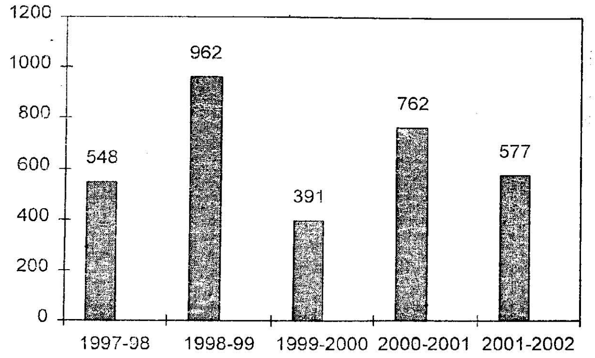
NUMBER OF CANDIDATES RECOMMENDED FOR APPOINTMENT BY RECRUITMENT THROUGH TRANSFER/PEROMOTION IN THE LAST FIVE YEARS

கடந்த ஐந்து ஆண்டுகளில் பதவி உயர்வு மற்றும் பணி மாற்றம் மூலம் பணி நியமனம் பெற பரிந்துரை செய்யப்பட்டோர் எண்ணிக்கை விவரம்



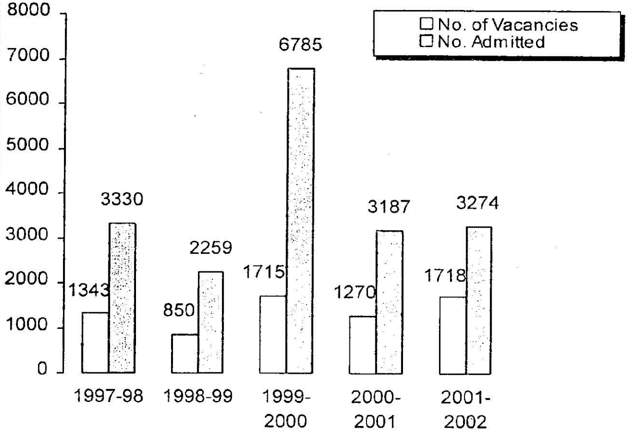
DETAILS OF DISCIPLINARY CASES DISPOSED IN THE LAST FIVE YEARS PERIOD

கடந்த ஐந்து ஆண்டுகளில் தீர்வு செய்யப்பட்ட ஒழுங்கு நடவடிக்கை வழக்குகள் எண்ணிக்கை விவரம்



DETAILS OF ORAL TEST HELD IN THE LAST FIVE YEARS PERIOD

கடந்த ஐந்து ஆண்டுகளில் நடத்தப்பட்ட வாய்மொழித் தேர்வுகளின் விவரம்



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Abstract

Tamil Nadu Public Service Commission - Annual Report for 2002-2003 - Recorded.

PERSONNEL AND ADMINISTRATIVE REFORMS (M) DEPARTMENT

G.O.Ms.No.294 Dated : 28.6.2004

From the Secretary, Tamil Nadu Public Service Commission Letter No.1777 / R&D / 2003 dated 8.8.2003 and 21.10.2003.

ORDER:

RECORDED

(By order of the Governor)

LAKSHMI PRANESH
CHIEF SECRETARY TO GOVERNMENT

To
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/ FORWARDED / BY ORDER /

SECTION OFFICER

MEMORANDUM EXPLAINING THE REASONS FOR DEVIATION FROM THE ADVICE OF TAMIL NADU PUBLIC SERVICE COMMISSION IN THE CASES REFERRED TO IN SECTION VI-A OF THE ANNUAL REPORT OF THE TAMIL NADU PUBLIC SERVICE COMMISSION FOR 2002-2003

Case-1

The Government in Public Works Department, during April 2000 sought the views of the Commission under Regulation 18(1) (b) (ii) of the Tamil Nadu Public Service Commission Regulations, 1954 on the disciplinary action taken against a Junior Engineer of Public Works Department for certain delinquencies. For certain irregularities alleged to have been committed by the delinquent during his tenure in Aranthangi Sub-Division in 1987-88, the Engineer in Chief, W.R.O. and Chief Engineer (General), Public Works Department, Chennai framed three charges under rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) rules. The delinquent submitted his explanation wherein he denied the charges framed against him. An oral enquiry was conducted in this case, a copy of Enquiry Officer's report furnished to the delinquent and his further representation received.

The Government after carefully examining this case, arrived at a provisional conclusion to impose the punishment of stoppage of increment for one year without cumulative effect besides the proportionate recovery of loss amounting to Rs.22,730/- (The total loss to the Government being Rs.45,460) for the charges held proved against the delinquent. Thereupon the Government sought the views of the Commission as to the orders to be passed in the matter.

The Commission, after examining this case, found it impracticable to implement the said proposed punishment in the light of the fact that the date of next increment of the delinquent happened to fall only after the date of his retirement. The Commission, therefore, pointed out the above position to the Government during November 2000, and suggested that considering the length of service put in by the delinquent, besides the proposed recovery, the punishment of "Censure" be awarded to the delinquent.

But the Government, thereafter, proceeded with the disciplinary proceedings taken against the delinquent under the Tamil Nadu Pension Rules and issued final orders in G.O.(D) No.214 Public Works Department, dated 9.5.2002 ordering a cut in pension of Rs.200/-P.M. from the pension for a period of 12 months besides the recovery of Rs.22,730/- from his Death-cum-Retirement Gratuity. By issuing these orders, the Government have acted on its own and passed final orders without consulting the Commission and in deviation of the Commission's views.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

Thiru S.Venkataraman, Junior Engineer while working in Rural Landless Employment Guarantee Programme Sub Division, Aranthangi, was incharge of the work of construction of flood bank in connection with construction of a Anicut across the river Vellar.During the course of execution of the work he committed irregularities

like recording false and boosted measurement to the tune of Rs.55,815/-. Departmental disciplinary action was instituted against Thiru S.Venkataraman among others, under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. After completing all the formalities, the Government had decided to hold all the charges framed against him as proved and arrived at a provisional conclusion to impose the punishment of stoppage of increment for one year without cumulative effect, besides recovering Rs.22,730/- being the proportionate amount of the total loss of Rs.45,460/-.

As recovery was involved, the Tamil Nadu Public Service Commission was consulted as required under regulation 18(i)(b)(ii) of the Tamil Nadu Public Service Commission Regulations, 1954, in Government Letter No.5060/97-12, Public Works, dated 06-04-2000.

The Commission, in its letter No.7224/DCD.I/2000, dated 29-11-2000, while offering its views, had observed that Thiru S.Venkataraman was due to retire from service on attaining the age of superannuation on 30-06-2001 while the increment due to him next fell due on 01-07-2001 only. The Commission had added that as the delinquent would not have the chance to earn his next increment, the punishment of stoppage of increment for one year without cumulative effect proposed by the Government could not be implemented. The Commission had, therefore, advised the Government to award "censure" to Thiru S.Venkataraman besides recovering Rs.22,730/- from him.

In as much as, Thiru P.Marudhan, who was working as Assistant Executive Engineer and who was also accused along with Thiru Venkataraman was awarded the punishment of cut of Rs.200/- per mensem from the pension admissible to him for a period of one year, the Government decided to deviate from the views of the Commission and to impose the punishment of cut of Rs.200/- per mensem from the pension payable to Thiru T.Venkataraman for a period of one year besides recovering Rs.22,730/- from him and orders were accordingly issued in G.O.(D) No.214, Public Works, dated 9-5-2002.

Case-2

During April 2001, the Government in the Home(Prison-1) Department, sought the views of the Commission on the Appeal preferred by the Superintendent of Prison, Central Prison, Chennai against the punishment of "Censure".

The Commission, in the course of examining the case, communicated the following views in its letter dated 27.8.2001.

The appellant's contention(i.e) the scuffle between the prisoners while playing Volley Ball in Block -II on 26.10.2000 at 4.00p.m. was a minor incident is quite acceptable. It is not a serious breach of indiscipline which warrants a special report to the Inspector General of Prisons from the Superintendent of Central Prisons. This is established in rule 25 of Tamil Nadu Prison Manual, Volume-II. Further the above incident was reported in the Jailor's report book by the Jailor. It is worthy of mention that the incident was also reported to the Deputy Inspector General of Prisons (HQ) on 26.10.2000 at 5.45 p.m. over phone.

The non-production of the enquiry report of the Deputy Inspector General of Prisons, Chennai Range which was referred in the charge memo is to be construed as the denial of reasonable opportunity to defend against the charge effectively (State of Assam Vs.Mahindra. A -1970 SC 1255 (1259-60). Therefore the punishment awarded without following the guidelines is liable to be quashed. There are ample and acceptable arguments and facts put forth by the appellant in his appeal petition. It is a wrong and bad precedent to punish a senior level officer of the Prison Department for flimsy reasons. The Commission, therefore, suggested that the appeal petition may be allowed and the punishment of "censure" awarded against the appellant may be set-aside to render natural justice and fair play and advised the Government accordingly.

But the Government have issued orders in G.O.Ms.No.200, Home (Prison-1) Department, dated 11.3.2002 deviating from the views of the Commission as follows:-

The Government have examined the appeal carefully and independently along with the views of the Tamil Nadu Public Service Commission and connected records. The Government have viewed that for the defect in the procedure namely non-production of the enquiry report of the Deputy Inspector General of Prisons, Chennai Range which was referred to in the charge Memo is denial of reasonable opportunity to defend against the charge effectively. The Government consider that denovo proceedings might be initiated from the stage where the defect had crept in. They have, therefore, decided to deviate from the advice of the Tamil Nadu Public Service Commission and to set aside the punishment of "Censure" imposed on Thiru. G. Ramachandran, Superintendent of Prison, formerly at Central Prison, Chennai by the Inspector General of Prisons and to initiate the denovo proceedings from the stage where the defect had crept in.

The Government accordingly direct that the punishment of "Censure" imposed on Thiru. G.Ramachandran, Superintendent of Prison, formerly at Central Prison, Chennai by the Inspector General of Prisons in his proceedings be set aside and denovo proceedings be initiated from where the defect had crept in, that is from the stage of furnishing enquiry report of the Deputy Inspector General of Prisons, Chennai Range referred to in the charge Memo to the appellant.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

The Government sought the views of Tamil Nadu Public Service Commission on the Appeal Petition of Thiru G.Ramachandran, Superintendent of Prisons, Central Prison, Chennai against the punishment of `Censure' awarded to him for his failure to report the incident that took place inside the Central Prison, Chennai on 26-10-2000 to the Inspector General of Prisons / Government as per the instructions of Inspector General of Prisons.

The Tamil Nadu Public Service Commission has advised the Government that the appeal petition may be allowed and the punishment of `Censure' awarded to the appellant may be set aside. Government consider that defect in the procedure

viz non-production of the enquiry report of the Deputy Inspector General of Prisons, Chennai Range which was referred to in the charge memo, is denial of reasonable opportunity to defend the charge effectively. Hence, Government decided to deviate from the advice of Tamil Nadu Public Service Commission and to set aside the punishment of `Censure' and to initiate the denovo proceedings from the stage where the defect had crept in, that is from the stage of furnishing enquiry report of the Deputy Inspector General of Prisons, Chennai Range referred to in the Charge Memo to the appellant. Orders have been issued accordingly in G.O.Ms.No.200, Home Department, Dated 11-3-2002.

Case-3

During September 1996, the Government in Rural Development had sought the views of the Commission on the disciplinary action taken against Thiruvalargal S. Natarajan, G. Arumugam, G.Devendran, G.Ramachandran, and A.Srinivasamoorthy, Officials of the Thiruvannamalai Panchayat Union, for the irregularities committed by them in the implementation of Social Forestry Scheme under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) rules by the Collector of Tiruvannamalai District. In this case, the enquiry officer after observing the usual formalities, drew up an enquiry report wherein he held the charges framed against the delinquents as proved and also suggested to recover the loss caused to the Government besides suitable punishment should be imposed on them. The Government have arrived at a provisional conclusion regarding the punishment imposed on the delinquents and sought the views of the Commission. According to Part-II Chapter III and paragraph 9 of the Hand Book on Disciplinary Procedures, the enquiry officer should not recommend any punishment in the enquiry officer's report and as such in the event of any recommendation, it vitiates the disciplinary action taken in the case. Hence the Commission advised the Government to restart the disciplinary action afresh from the stage where the defect had crept in and requested copy of the orders accordingly.

In April 2002, the Government in G.O.(D)No.199 to 203 Rural Development Department, dated 17.4.02 had imposed the provisional punishment already arrived by them on the delinquents, deviating from the Commission's advice.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

The views of the Tamil Nadu Public Service commission were considered in consultation with the Personnel and Administrative Reforms and the Law Departments.

The Personnel and Administrative Reforms Department advised as follows:-

"According to Paragraph 1 in Chapter IV (Finalisation of Disciplinary Proceedings) of Hand Book on Disciplinary Procedures, the report of the Inquiry Officer is intended to assist the Disciplinary Authority in coming to a conclusion about the guilt of the Government servant and its findings or recommendations are advisory in character and are not binding on the

disciplinary authority who can disagree with them and come to its own assessment of the evidence forming part of the record of inquiry. It, therefore, follows that the views of the Tamil Nadu Public Service Commission that the recommendatory aspect of the Inquiry Report amounts to a defect is not correct".

The Law Department has opined as follows:-

"The Enquiry Officer should not have recommended about the nature of punishment in his report. But the Government are not led by that recommendation. Since, the recommendation is advisory in character, the Government can arrive at an independent decision about the penalty to be imposed and disagree with the recommendation. Where, there is an inbuilt safety mechanism as specified above to take care of the defects in the Enquiry Report, it seems that the Government can deviate from the views of the Tamil Nadu Public Service Commission".

The Government requested the Commission to reconsider its views. But the Commission reiterated its views.

Law Department was again consulted citing various decisions of the Supreme Court that department has opined that only because the Enquiry Officer has given his recommendation about the proposed penalty the enquiry report cannot be treated to be defective.

In view of the position set out above, the Government took a decision to deviate from the views of the Commission and issued orders imposing punishment in the disciplinary action.

Case-4

During November 1998, the Government had sought the views of the Commission on the appeal preferred by Librarian, formerly at Thanjavur Medical College, Thanjavur, against the punishment of stoppage of increment for one year without cumulative effect.

The Commission after examining the case, had advised the Government vide its letter dated 15.3.99, as follows:-

"The Director of Medical Education awarded the punishment of stoppage of increment for one year without cumulative effect on the delinquent officer holding the charges as proved. The punishment has been awarded on 27.1.98 and the date of his increment is 1.10.98 but the date of his superannuation is 31.3.99. So it can be seen that the punishment awarded cannot be enforced fully and even if implemented will affect his pension. But the Director of Medical Education has already stated in his order that the punishment will not affect his pension. The charges should have been framed under Rule 17(b) instead of Rule 17(a) in such case. But having framed charges under Rules 17(a) now it is not open to convert it into 17(b) on the verge of retirement. Since the charges

are framed under rule 17(a), and it cannot be continued under pension rules either. Therefore, in view of the fact that he is to retire on 31.3.99, and the increment has fallen due on 1.10.98, the Commission suggests, that the punishment of stoppage of increment for five months without cumulative effect exclusive of the period spent on leave and not affecting his pension may be imposed on the appellant since stoppage of increment already ordered for one year could not be enforced".

Then the Government in their letter dated 27.3.2001, have stated as follows:-

"The Government have further examined the case on verification of the Service Book of the individual, it is noticed that the date of last increment of the appellant being 1.4.98 and not 1.10.98".

In view of the difference in the date on increment of the individual, the Government have sought the revised views of the Commission.

The Commission after going through the records of the case carefully had offered its views to the Government vide its letter dated 20.7.2001 as follows:-

"The Director of Medical Education imposed the punishment of stoppage of increment for one year without cumulative effect on 27.1.1998. The date of increment of the appellant was 1st April. In the final order, it has been stated that the punishment of stoppage of increment is not intended to have its effect on the pensionary benefit of the appellant. But it will affect adversely the pension payable to the appellant since, the appellant's date of superannuation was 31.3.1999".

"According to the proviso to rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) rules, any punishment affecting the pension of the appellant, the procedure prescribed under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) rules should be followed before imposing such penalties. Such procedure has not been followed in this case. Hence the final order passed by the Director of Medical Education is a defective one. Since, the charges were framed under rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) rules, it cannot be continued under Tamil Nadu pension rules, in view of the fact that the appellant had already retired from service on 31.3.1999. Therefore, the Commission advises the Government to set aside the order of punishment and to drop further action in this case".

The Government in their letter dated 25.7.2002, have stated that they have examined the case in the light of the views of the Commission. Both the lapses against the appellant were held substantiated. If the views of the Commission are agreed to then the individual will be allowed to escape from the punishment for substantiated lapses. Hence, the Government have decided to deviate from the views of the Commission and to modify the punishment of stoppage of increment for one year without cumulative effect imposed on the appellant by the Director of Medical Education into that of stoppage of increment for eleven months without cumulative effect, which will not affect his pension. Accordingly, orders have been issued in G.O.(D).1168, Health and Family Welfare Department dated 25.7.2002.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

Tamil Nadu Public Service Commission, Chennai advised the Government to impose the punishment of stoppage of increment for five months without cumulative effect on Thiru C.Krishnamurthy. While examining the issue, it was noticed that the date of next increment of the appellant was 1-4-1998 and not 1-10-1998 as mentioned by the Commission. In view of the difference noticed in the date of increment of the individual, revised views of the Commission was called for. The Commission advised the Government to set aside the order of punishment and to drop further action in this case.

If the views of the Tamil Nadu Public Service Commission, Chennai are agreed to, the individual will be allowed to escape from the punishment for the proven charges. Hence, the Government have decided to deviate from the views of the Commission and imposed the punishment stoppage of increment for eleven months without cumulative effect. Accordingly, orders were issued in G.O.(D) No.1168, Health Department, dated 25-7-2002.

Case-5

During July 1997, the Government in Public Works Department had sought the views of the Commission on the disciplinary action taken against Tvl. S.Selvaraj, Assistant Executive Engineer, R.Venkatachalam and S.Arunachalam, Junior Engineers on the allegation that they had committed irregularities in the maintenance work done to Sathanur Main Canal during 1985 to 1987 and caused a loss of Rs.2,00,509. 90 to the Government funds.

The Commission after going through the case accepting the findings of the Tribunal, has opined that the delinquent Thiru. S.Selvaraj, Assistant Executive Engineer, who was not permitted to retire on 31.3.92 on superannuation may be allowed to retire from service and that a pension cut of Rs.50/- P.M. for three years be imposed as punishment for the proved charges along with the recovery of Rs.9050/- from his pensionary benefits being the amount of 10% of the total loss caused to the Government.

Further, in respect of Thiruvalargal R. Venkatachalam, and S.Arunachlam, Junior Engineers it was reported that since the punishment of stoppage of increment for one year with cumulative effect had already been imposed on them by the Government in D.E.No.11/88 the Commission advised the Government that for the proved charges a recovery of Rs.7200/- and Rs.1700/- respectively be made from their salary in easy monthly instalments being 10% of the loss caused to the Government.

In October 2000, the Government in G.O.(3D) Nos.87,89 and 90 Public Works Department dated 13.10.2000 had imposed the punishment of Removal from service on them deviating from the Commission's advice.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

Based on the findings of the Commissioner for Disciplinary Proceedings, Chennai in DE No.126/88, 127/88, 128/88 and 129/88, the Government arrived at a provisional conclusion to remove Thiru S.Selvaraj, Assistant Executive Engineer (under suspension), Thiru R.Venkatachalam, Junior Engineer and Thiru S.Arunachalampillai, Junior Engineer from service. Recording boosted measurements, creating false records, misappropriation of Government money and cheating Government were the charges held proved against them.

The Commission was consulted for its views as required under Regulation 18(1) (b) (iv) of the Tamil Nadu Public Service Commission Regulations, 1954. The Tamil Nadu Public Service Commission advised the Government to permit Thiru S.Selvaraj to retire from service and to impose the punishment of cut of Rs.50/- per mensem from his pension for a period of 3 years besides recovering Rs.9050/- being the 10% of the total loss caused by him to Government from his pensionary benefits.

So far as Venkatachalam, Junior Engineer, is concerned, the Tamil Nadu Public Service Commission advised that Rs.7200/- being the 10% of the loss caused to the Government by him may be recovered from his salary in easy monthly instalments.

With regard to Thiru S.Arunachalampillai, Junior Engineer, the Tamil Nadu Public Service Commission advised that Rs.1700/- being the 10% of the loss caused to Government by him may be recovered from his pay in easy monthly instalments.

Recording boosted measurements, creating false records, misappropriating Government money and cheating Government are charges quite grave in nature. That being so, the Tamil Nadu Public Service Commission did not furnish any reason for showing leniency to the accused and advising the Government only to recover 10% of the loss caused by each of them.

In the circumstances, the Government decided to deviate from the views of the Commission and issued orders removing Thiru S.Selvaraj, Assistant Executive Engineer, Thiru R.Venkatachalam, Junior Engineer and Thiru S.Arunachalampillai, Junior Engineer in G.Os.(3D) Nos.87, 89 and 90, Public Works Department, dated 13-10-2000, respectively.

Case-6

During November 1997, the Government in Home (Prison-2) department had sought the views of the Commission on the appeals preferred by Tvl. D.Vinayagamoorthy, K.Mani, B.Mahendran, M.Jayachandrababu and V.Balakrishnan, second Grade Warden, Central Prison, Vellore against the punishment of Dismissal from service imposed on them by the Inspector General of Prison as they were responsible for the escape of 8 life prisoners from the Central Jail, Vellore.

The Commission after examining the case, taking into account the circumstances of the Case, and also the remaining periods of services to be rendered by the appellants before reaching their date of superannuation and on sympathatic consideration, has advised the Government to modify the punishment of dismissal from service into the one of stoppage of increment for 5 years with cumulative effect.

But in October 2000 the Government in G.O.Ms.No.1125 to 1129 Home (Prison-2) Department dated 18.10.2000 had modified the punishment of Dismissal from service into the one of removal from service in deviating from the Commission's advice.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

Tvl.M.JayachandraBabu, D.Vinayagamoorthy, V.Balakrishnan, B.Mahendran, K.Mani, Warder, Central Prison, Vellore were dismissed from service by the Inspector General of Prisons in connection with the escape of 8 life convicts from the Central Prison, Vellore on the night of 15 / 16-11-1991. They filed OA in the Tamil Nadu Administrative Tribunal and the Tamil Nadu Administrative Tribunal set aside the orders of dismissal with direction to reinstate them into service with back wages. The Inspector General of Prisons filed Special Leave Petition in the Supreme Court of India against the orders of Tamil Nadu Administrative Tribunal. The Supreme Court of India set aside the order of the Tamil Nadu Administrative Tribunal and directed the respondents to prefer appeal to Government. Accordingly, the above individuals preferred appeal to Government against the orders of Inspector General of Prisons. The Government sought the views of Tamil Nadu Public Service Commission.

The Tamil Nadu Public Service Commission has advised the Government to modify the punishment of dismissal from service into the one of stoppage of increment for 5 years with cumulative effect.

Since the proved charges are quite serious in nature, Government decided to deviate from the views of the Tamil Nadu Public Service Commission and orders have been issued accordingly in G.O.Ms.No.1125, to 1129, Home Department dated 18-10-2000 modifying the punishment of Dismissal from Service into the one of removal from service, on humanitarian basis.

Case-7

During December 1999, the Government had sought the views of the Commission on the petition preferred by Thiru. R.Raja, formerly Luscar, appointed on compassionate grounds in Madurai Medical College, Madurai, against the punishment of removal from service.

The Commission after examining the above case, had advised the Government to reject the petition, as the petitioner had admitted the charges framed against him that he had submitted bogus Educational Certificate and had not putforth any valid points in his petition.

The Government have decided to deviate from the views of the Commission and to modify the punishment of removal from service imposed on the petitioner into that of stoppage of increment for two years with cumulative effect. Accordingly, orders have been issued in G.O.(D) No.1407 Health and Family Welfare (I-2) Department, dated 5.9.2002.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

Disciplinary action was initiated against Thiru R.Raja, Lascar, Madurai Medical College, Madurai, under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, for his having joined duty by showing bogus educational certificates and two charges were framed against him. As the charges framed against Thiru R.Raja were held proved, the Dean, Madurai Medical College, Madurai, imposed the punishment of removal from service on Thiru R.Raja, Lascar, Madurai Medical College, Madurai.

Thiru R.Raja preferred an appeal dated 4-5-1997 to the Director of Medical Education, Chennai against the punishment, which was rejected by the Director of Medical Education, Chennai on 12-3-1998.

Thiru R.Raja submitted a mercy petition to the Director of Medical Education, Chennai. It was forwarded to the Government for consideration, which was entertained.

The condition for the post of Luscar from 1982 onwards is that knowledge in reading and writing in Tamil is enough and Thiru R.Raja has studied upto 3rd Standard. The appointing authority need not have called for certificates and verified.

As per rules, the opinion of Tamil Nadu Public Service Commission was called for in the matter. The Commission has stated that as the Applicant himself has accepted that he has joined in service by giving bogus certificates, he has accepted that the lapse occurred because of his ignorance and he has also not given any valid reasons for the lapse, his appeal may be rejected.

While examining the issue, it is considered that the condition for the post of Luscar from 1982 onwards is that knowledge of reading and writing in Tamil is enough and Thiru R.Raja has studied upto 3rd Standard. Hence, the appointing authority need not have called certificates and verified. The Government have examined the case and have decided that the punishment imposed on Thiru R.Raja is excessive in nature and decided to deviate from the views of Tamil Nadu Public Service Commission. Accordingly, the Government modified the punishment of removal from service imposed on Thiru R.Raja into that of stoppage of increment for two years with cumulative effect in G.O.(D) No.1407, Health Department, dated 5-9-2000.

Case-8.

During August 1990, the Government had sought the views of the Commission on the appeal preferred by formerly Personal Assistant (Noon Meal

Programme) to the Collector of Kanyakumari District, against stoppage of increment for six months without cumulative effect.

The Commission after examining the above case, had advised the Government that as the date of retirement of the appellant was 31.8.90 and as the punishment of stoppage of increment imposed on the appellant was on 14.2.90 it will affect his pension. Therefore, the procedure prescribed under rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) rules should have been followed in this case instead of rule 17(a) of the Tamil Nadu Civil Services (Discipline and appeal) rules and accordingly advises the Government to set aside the orders of punishment and to start the denovo proceedings from the stage at which the defect had crept in.

In the above case, the Government had sought the revised views of the Commission during February 1992. The Commission had reiterated its earlier views of setting aside the order of punishment and to start fresh proceedings from the stage where the defect had crept in.

The Government have decided to deviate from the views of the Commission and to set aside the order of punishment and to drop the disciplinary proceedings against the appellant. Accordingly orders have been issued in G.O.(D) No.394 Rural Development (E1) Department, dated 25.7.2002.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

In the instant case the orders imposing the punishment of stoppage of increment for 6 months without cumulative effect was issued on 14-2-1990 for certain irregularities committed during 1988. The annual increment was sanctioned with effect from 1-7-1990. But the punishments was not given effect to. The official also retired on 31-8-1990.

The Commission gave its views to cancel the disciplinary proceedings and to initiate proceeding afresh from the stage at which the defect crept in, in the letter dated 18-2-1991. But the Personnel and Administrative Reforms Department has opined that there is no provision under Rule 9(2) (a) of the Tamil Nadu Pension Rules, 1978 to initiate disciplinary action again after setting aside the punishment imposed in the disciplinary action initiated under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, in as much as the Government Servant was already retired. The Law Department also agreed to the above views.

In the circumstances the Government took a decision to drop further action against the delinquent official and also to take disciplinary action against the officials concerned who were responsible for omission for implementation of the punishment of stoppage of increment for six months without cumulative effect imposed by the Director of Rural Development.

Case-9

During July 1998, the Government in the Commercial Taxes Department, sought the views of the Commission on the review petition preferred by

Thiru. S.Sellappan, formerly Commercial Tax Officer, Tiruvottiyur Assessment Circle, Chennai, against the punishment of stoppage of increment for 2 years with cumulative effect imposed by the Government for the failure to ensure safe custody of valuable forms. The Commission after examining the case has advised the Government in July 2000 that the punishment already imposed may be modified into stoppage of increment for one year without cumulative effect.

But the Government issued orders in G.O.(2D) No.80 Commercial Taxes department, dated 7.8.2002 by confirming the punishment already imposed on the appellant.

The Government have relied upon the following points for deviating from the Commission's advice:-

It is clear that some of the missing saleable forms have actually been misused as seen from the inquiry officer's report and there is actually loss to the Government. There is a clear lapse on the part of the review petitioner warranting severe punishment..

The Circumstances and nature of the case warranted only a lesser punishment of stoppage of increment for one year without cumulative effect and keeping this in view the Commission advised the Government accordingly. But the Government have issued orders deviating from the Commission's advice.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

There was no procedural flaw in the Disciplinary Proceedings and that the Tamil Nadu Public Service Commission itself has stated that there is a clear lapse on the part of the review petitioner, warranting severe punishment.

The Government have therefore decided to deviate from the views of the Commission. Accordingly orders have been issued in G.O.(2D) No.80, Commercial Taxes Department, dated 7-8-2002 confirming the punishment already imposed on the review petitioner.

Case-10

The Government sought the views of the Commission on the appeal preferred by Thiru. T.Viswanathan, Principal, Government I.T.I. Nagapattinam, against the punishment of stoppage of increment for 6 months without cumulative effect imposed by the Director for the failure to recover the amount from a Training Officer, who lived in Government quarters unauthorisedly. The Commission examined the case and advised the Government to set-aside the final orders which was not implementable and to continue the case from the stage where the defect had crept in.

But the Government have decided to deviate from the views of the Commission and to reduce the punishment of stoppage of increment for 6 months without cumulative effect imposed by the Director, to stoppage of increment for

4 months without cumulative effect on the appellant. Accordingly, the Government have issued orders in G.O.Ms.No.80, Labour and Employment dated 24.9.2002.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

In the Proceedings No. அப 2 / 45384 / 97-1, Dated 9-1-2001, the Director of Employment and Training imposed a punishment of stoppage of increment of six months without cumulative effect to Thiru T.Viswanathan, Principal, Government I.T.I., Nagapattinam for the failure to recover the amount from a Training Officer, who lived in Government Quarters unauthorisedly. Aggrieved by this order, the individual preferred an appeal to the Government. The Government sought the views of the Tamil Nadu Public Service Commission. The Commission advised the Government to set aside the final orders passed by the Director of Employment and Training, due to procedural lapse and to continue the case from the stage where the defect had crept in.

Thiru T.Viswanathan, Principal, in his letter dated 30-8-2001 withdrew his appeal against the punishment imposed on him. As the date of his next increment was 1-4-2001 and the date of his superannuation was 31-8-2001, the punishment imposed by the Director of Employment and Training could not be implemented in full. As the Tamil Nadu Public Service commission had pointed out that there is procedural flaw and as a solution to this case, the Personnel and Administrative Reforms Department advised that the period of punishment imposed on the individual can be reduced for a period of four months (instead of six months) and the Tamil Nadu Public Service commission need not be consulted on this point and it is enough to communicate a copy of the final order to be issued to the Commission. Accordingly, orders have been issued in G.O.Ms.No.80, Labour and Employment Department, dated 24-9-2002 reducing the punishment of stoppage of increment from six months to four months without cumulative effect.

Case-11

The Government have sought the views of the Commission on the appeal preferred by Dr.A.Ramanathan, Medical Officer, Government Primary Health Centre, Viralimalai, Pudukkottai Dist, against the punishment of stoppage of increment for one year without cumulative effect imposed by the Director of Public Health and Preventive Medicine, Chennai for his unauthorised absence from duty on 2.4.97 during the surprise inspection made by the Joint Director (Immunisation) of Public Health and Preventive Medicine. The Commission after examining the case advised the Government to confirm the punishment already imposed on him.

The Government again sought the revised views of the Commission on the appeal petition. The Commission once again examined the case and reiterated its earlier views.

The Government issued orders in modification of the punishment of stoppage of increment for one year without cumulative effect, imposed by the Director of Public Health and Preventive Medicine to that of 'Censure' and issued orders accordingly differing from the views of the Commission.

The Government have relied upon the following points for deviation from the Commission's advice:-

"The appellant, Dr. A.Ramanathan was found absent from duty for one day only i.e. on 2.4.97 and the punishment imposed by the Director of Primary Health and Preventive Medicine, Chennai on the appellant seems to be disproportionate to the gravity of lapse committed by the appellant".

The circumstances and nature of the case warranted the same punishment as already imposed on him, and keeping this in view the Commission advised the Government accordingly. But the Government have issued orders deviating from the Commission's advice.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

If the views of the Tamil Nadu Public Service Commission agreed, the punishment of stoppage of increment for one year without cumulative effect imposed on the appellant is disproportionate to the gravity of lapse ie., found absent for one day only on 2-4-1997. So the Government have further examined the case with connected records and have decided to deviate from the views of the Tamil Nadu Public Service Commission and imposed the punishment of "Censure" on Dr.A.Ramanathan for the reasons that he was found absent from duty for one day only ie. on 2-4-1997 and the punishment imposed by the Director of Public Health and Preventive Medicine on the appellant was disproportionate to the gravity of lapse. Accordingly, the Government have issued orders deviating from the Commission's advice and modified the punishment as "Censure" in the G.O.(D) No.1556, Health and Family Welfare Department, dated 17-10-2002.

Case-12

The Government have sought the views of the Commission on the petition preferred by Thiru. M.Murugesan Grade-II Warder, Nilakkottai Sub-Jail, against the punishment of dismissal from service, for the charges that the Warder had loaded the rifle with the pellet in his custody and has fired in the air on his own accord. The Commission after examining the case in detail, in its letter dated 29.10.2001 offered its views as follows:

> "The Petitioner has not putforth any fresh reason in his petition and also in his review petition for the lapses committed by him. He has repeated the same points as in his explanation. The explanation submitted by him is also not convincing. If a person in the jail department is acted without any self consciousness, then it will not be acceptable by the higher authorities of that department. As he has not put forth any fresh points for consideration, his petition may be rejected".

The Government have issued orders deviating from Commission's views and awarded the punishment of compulsory retirement on the petitioner. They have relied upon the following reason for their deviation.

"All the points in the petition have been considered. There is no loss in this case. The petitioner has not done this wantonly. It is proved that this accident happened beyond his control. Hence, for the proved charge, the Government decided that the punishment of compulsory retirement will meet the ends of justice. Therefore, the Government have decided to modify the punishment of dismissal from service into that of compulsory retirement for the proved charges".

Considering the nature and circumstances of the case, the Commission advised the Government to reject his petition, But the Government have issued orders deviating from Commission's advice.

THE FACTORS THAT PROMPTED THE GOVERNMENT TO ISSUE AN ORDER AGAINST THE ADVICE OF THE COMMISSION ARE DETAILED BELOW:-

Thiru M.Murugesan, while serving as Warder Grade II at Nilakotai Sub Jail was dismissed from service by the Superintendent, Central Prison, Madurai on the charge that he had loaded the rifle with pellet in his custody and has fired in the air on his own accord. The appeal / Review petition to the Deputy Inspector General of Prisons, Madurai Range / Inspector General of Prisons against the orders of dismissal were rejected by the Deputy Inspector General of Prisons, Madurai Range / Inspector General of Prisons. The individual submitted a petition to Government. The Government called for the views of the Tamil Nadu Public Service Commission on the petition of the individual.

The Tamil Nadu Public Service Commission has advised that, as the petitioner has not put forth any fresh points for consideration, his petition may be rejected.

Government consider that there was no loss in this case and the petitioner has not done this want only. It is proved that this accident happened beyond his control. Hence, Government decided that the punishment of compulsory retirement for the proved charge will meet the ends of justice. Hence, Government decided to deviate from the views of Tamil Nadu Public Service Commission and to modify the punishment of dismissal from service into that of compulsory retirement for the proved charge. Orders have been issued accordingly in G.O.Ms.No.1158, Home Department, dated 2-12-2002.